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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210813
Party	Defendant Mike Ghorbani
Correspondence Address	PAYAM MORADIAN MORADIAN LAW 10880 WILSHIRE BLVD, SUITE 1101 LOS ANGELS, CA 90077 UNITED STATES sepehr@daghighian.com, P@moradianlaw.com
Submission	Opposition/Response to Motion
Filer's Name	Payam Moradian
Filer's e-mail	p@moradianlaw.com, jz@moradianlaw.com
Signature	/Payam Moradian/
Date	07/03/2014
Attachments	MotionR.pdf(1360688 bytes ) Exhibit_A.pdf(165160 bytes ) Exhibit_B.pdf(1334539 bytes ) Exhibit_C.pdf(111972 bytes ) Exhibit_D_part_1_file.pdf(4608857 bytes ) Exhibit_D_part_2_file.pdf(2710871 bytes ) Exhibit_D_part_3_file.pdf(3320111 bytes ) Exhibit_E.pdf(3222852 bytes ) Exhibit_F.pdf(1947894 bytes ) Exhibit_G.pdf(399564 bytes ) Exhibit_H.pdf(1010267 bytes ) Exhibit_I.pdf(4705268 bytes ) Exhibit_J.pdf(135250 bytes ) Exhibit_K.pdf(2224124 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SATA GmbH & Co. KG	)	
	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91210813
	)	
Applicant	)	

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**APPLICANT’S OPPOSITION TO OPPOSER’S MOTION TO COMPEL (DOC. 12)**

**I. Introduction**

The Applicant requests that the Opposer’s Motion to Compel be denied in view of the Opposer’s failure to meet and confer. To the extent the Opposer’s Motion to Compel is not denied for the Opposer’s failure to meet and confer, the Applicant has met its burden to respond to the Opposer’s discovery requests, and seeks that the Opposer’s motion be denied in its entirety.

**II. Statement of Facts**

The Applicant and the Opposer scheduled a meet and confer to address discovery issues. Exhibit A, pages 1-5.

The Opposer for the first time before the meeting raised a number of issues relating to expert discovery. Exhibit A, page 2-4, May 8, 2014 email of Thomas Vande Sande.

The Applicant requested, and the Opposer agreed, that the meet and confer would be rescheduled for a later date. Exhibit A, page 4, May 12, 2014 email of Thomas Vande Sande.

The Applicant subsequently supplemented its expert discovery. Exhibit I, Applicant Expert's (Michal DeMarco) Supplemental Response to Opposer's Expert Discovery Interrogatories.

The present proceeding was suspended on February 19, 2014 so that the Opposer could undertake expert discovery of the Applicant's expert. Doc. 10, Suspension. The Opposer waited until March 31, 2014 to send its discovery request (Exhibit K), which forced the Applicant to address Opposer's alleged deficiencies in expert discovery issues in May 2014 and postpone the meet and confer until the expert discovery issues were resolved.

The Opposer filed its motion to compel without seeking a meet and confer after the expert related discovery issues were addressed. Doc. 12, Opposer's Motion to Compel.

The Correspondence between the parties stated or at least implied that a subsequent meet and confer would be held. *See e.g.*, Exhibit A, pages 4-5; *also see* Doc. 12, Opposer's Motion to Compel, Exhibit 3, page 1, June 6, 2014 email of Payam Moradian ("We plan to move for a motion to compel on these issues if our meet and confer is not successful").

The Applicant supplemented its responses to interrogatories and produced additional documents before the discovery cut-off date. Exhibit B, Applicant's Second Supplemental Response to Opposer's First Set of Interrogatories.

### **III. The Opposer's Motion to Compel Should be Denied for Failure to Meet and Confer**

A motion to compel discovery must be supported by a written statement from the moving party showing that the party has made a good faith effort, by conference or correspondence, to resolve the issues with the other party, but that the parties were unable to resolve their

differences. *See* Trademark Rule 2.120(e)(1), 37 CFR § 2.120(e)(1); TBMP § 523.02 (2013).

*Cf. The Phillies v. Phila. Consol. Holding Corp.*, 107 USPQ2d 2149, 2151 (TTAB 2013).

In this case, the Opposer cannot show that it made a good faith effort to resolve the issues with Applicant before filing the motion to compel because Opposer did not request a meet and confer after the alleged deficiencies in the expert related discovery were met.<sup>1</sup> Rather, the Opposer, knowing that the Applicant sought a subsequent meet and confer, decided to file its motion to compel without a meet and confer. It is requested that the Opposer's motion to compel be denied for failure to do a meet and confer when both the Applicant and Opposer agreed to postpone a scheduled meet and confer, and the Applicant stated in correspondence that a subsequent meet and confer would be scheduled.

The Opposer has submitted various correspondence in Exhibit 3 of its motion to compel as evidence of Opposer's efforts to amicably resolve discovery issues. (Doc. 12, Opposer's Motion to Compel, Exhibit 3). This correspondence is not sufficient for the Opposer to satisfy its duty to resolve discovery issues amicably. Nowhere in the correspondence provided as Exhibit 3 has the Opposer stated that it would plan to file a motion to compel, and nowhere in the correspondence has Applicant stated or gave any impression it would refuse to supplement the discovery issues warranting Opposer's motion to compel. Applicant has shown good faith by supplementing its expert discovery. *See* Exhibit I, Applicant Expert's (Michal DeMarco) Supplemental Response to Opposer's Expert Discovery Interrogatories. The Opposer filed its motion to compel before informing the Applicant that it would file such a motion and before

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<sup>1</sup> The Applicant's good faith is evidenced by the Opposer not filing a motion to compel relating to expert related discovery issues. The Applicant addressed all of the issues that the Opposer had raised relating to expert discovery. These issues are set forth in Doc 12, Opposer's Motion to Compel, Exhibit 3, pages 4-5, May 8, 2014 email of Thomas Vande Sande.



obtaining a final resolution on a discovery matter. Therefore, Opposer's motion should be denied.

#### **IV. SPECIFIC DISCOVERY REQUESTS**

##### **A. Interrogatory 1 And Related Production Requests 1 and 2**

Opposer's Interrogatory 1 and Applicant's Response and Applicant's Supplemental Response are reproduced below:

##### **INTERROGATORY NO.1**

Describe the facts surrounding the selection of the EURO and design mark by Applicant, identifying relevant dates and the persons most closely connected with the selection of the mark. Identify all related documents.

##### **RESPONSE TO INTERROGATORY NO.1**

Subject to the foregoing objections, Applicant responds that Mike Ghorbani selected EURO name and design spontaneously.

##### **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.1**

The Applicant has no documents relating to this interrogatory, and is not withholding any document due to a privilege or work product.

The Applicant has no documents that are responsive to Interrogatory 1 and Document Request 1, and is not withholding any document due to work product or a privilege. The Applicant is an individual with a small business, and did not have a formal process for selecting a mark as a larger business would have. The Applicant has fully responded to this Request and has no additional documents to supplement this request.

In its Motion to Compel, the Opposer grouped Document Request 2 with Interrogatory 1 and Document Request 1. Document Request 2 relates to samples and specimens of Applicant's goods. The Opposer in its motion did not argue that it seeks the Applicant to supplement its discovery responses by providing samples and specimens, and thus, Opposer has waived any rights it may have had to receive samples and specimens. To the extent that the Opposer has not waived such right, the Opposer was offered during discovery to receive samples and specimens for \$500. Exhibit J, May 16, 2014 email of Payam Moradian. The Opposer never responded to the Applicant to agree to pay \$500 for the samples and specimens. Had the Opposer held a meet and confer before filing its Motion to Compel, the Applicant would have pointed out this issue to the Opposer. The Opposer's failure to agree to a payment for the specimens during discovery has waived any right Opposer may have had during discovery.

**B. Interrogatory No. 5 and Production Requests 13, 22, and 24**

Opposer's Interrogatory 5 and Applicant's Response and Applicant's Supplemental Response are reproduced below:

## INTERROGATORY NO.5

Identify the types of classes of purchases of the goods and services offered by Applicant under the EURO and design mark.

## RESPONSE TO INTERROGATORY NO.5

Subject to the foregoing objections, Applicant responds that its use and intended uses of the EURO mark and design are identified in the application for the mark.

## SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5

The following documents are responsive to this interrogatory: MGD0000103-MGD000221. The Applicant notes that documents MGD107-MGD-189 are highly confidential and attorney eyes only.

The Applicant has met its burden for these requests.<sup>2</sup> The Applicant has produced approximately 83 (MGD000107-189) representative invoices that have the Applicant's customers listed on them (one of these invoices in redacted form is attached as Exhibit C). These invoices were produced to the Opposer without redaction, and the Opposer can ascertain the classes of purchasers from these invoices since each invoice has the name and address of a purchaser of the Applicant's goods. The Applicant's expert has also provided substantial testimony on the issue of types of purchasers. *See e.g.*, Exhibit I, Applicant Expert's (Michael

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<sup>2</sup> Applicant notes that the Applicant's previous attorney had mistyped Interrogatory No. 5 as "types of classes of **purchases**" when in fact it should have read "**purchasers**". The response assumes "**purchasers**" was meant. The Opposer did not point out this discrepancy in its motion.

DeMarco) Supplemental Response to Opposer's Expert Discovery Interrogatories, page 3-4.

The Applicant has met its burden for these requests.

**C. Interrogatory No. 8**

Opposer's Interrogatory 8 and Applicant's Response and Applicant's Supplemental Response are reproduced below:

**INTERROGATORY NO.8**

Identify with specificity when and under what circumstances Applicant first learned of the Opposer.

**RESPONSE TO INTERROGATORY NO.8**

Subject to the foregoing objections, Applicant responds that it learned of the Opposer through trade shows and industry news.

The Applicant lacks specific recollection of a specific period of time and the circumstances of when the Applicant became aware of the Opposer. The Opposer's interrogatory asks a question that the Applicant cannot answer with greater specificity. The Applicant and the Opposer are both in the paint spray industry, and the Applicant became aware of the Opposer "through trade shows and industry news." The Applicant does not recall a specific period of time or event to further supplement this interrogatory with greater specificity. Furthermore, the Applicant has produced a picture of the Applicant with an executive of the Opposer at the 2013 SEMA show, and this document is further responsive to the request (Exhibit E, page 5).

**D. Interrogatory No. 9 and Production Requests 11 and 17**

Opposer's Interrogatory 9 and Applicant's Response and Applicant's Supplemental Response are reproduced below:

**INTERROGATORY NO.9**

Describe in detail Applicant's first use of the EURO and design mark with respect to any and all goods. Identify all documents and things which Applicant contends supports its alleged first use date(s) and its alleged date(s) of first use in commerce.

**RESPONSE TO INTERROGATORY NO. 9**

Subject to the foregoing objections, Applicant responds that it began its use of EURO as long as 8 years ago in connection with paint Spray Guns.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9**

The Applicant has used in commerce the goods identified in the application for the mark at least as early as its statement of use date. The following documents are responsive to this interrogatory: MGD000107-189.

The Applicant supplemented its answer by producing approximately 83 representative invoices that have the Applicant's goods listed and that provide a date for use (invoice date) of each specific good in commerce. (MGD000107-189). One of these invoices is attached to this motion as Exhibit C.<sup>3</sup> The Applicant also produced pictures of its goods. Exhibit D. These

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<sup>3</sup> The invoices were produced without the redactions.

invoices and the pictures are sufficient to meet the Applicant's burden relating to Interrogatory 9 and Production Requests 11 and 17.

**E. Interrogatory 19**

Opposer's Interrogatory 19 and Applicant's Response are reproduced below:

**INTERROGATORY NO. 19**

State what the Applicant contends is the primary significance of "EURO" (a) in general and (b) as a portion of Applicant's mark.

**RESPONSE TO INTERROGATORY NO. 19**

Subject to the foregoing objections, Applicant responds that a primary significance of its Euro mark and design is its identification of Applicant's products that are identified by that mark.

The Applicant's response to this interrogatory is sufficient. It is the Applicant's position that the significance of the Mark Euro and design to the Applicant's goods is as an identifier for its goods. The Opposer in its motion to compel is seeking some sort of answer from the Applicant that goes to the ultimate issue to be decided in this proceeding. The Opposer's position is that the mark Euro and design is geographically descriptive or misdescriptive. The Applicant disagrees and believes that the primary significance of the mark Euro and design in relation to the Applicant's goods is as an identifier (a trademark) for its goods. The Applicant should not be further compelled to provide an answer on an ultimate issue that is to be decided by the Board.

#### **F. Document Request 9**

Opposer's Document Request 9 is reproduced below:

Request No. 9

All documents comprising, reflecting or relating to any search made by or on behalf of Applicant relating to the EURO and design mark, or any other EURO or EURO formative marks.

The Applicant conducted a reasonable search and has no documents relating to Request 9, and is not withholding any such document under a privilege or work product exception.

#### **G. Document Request 12**

Opposer's Document Request 12 is reproduced below:

Request No. 12

Documents sufficient to show all channels of trade through which Applicant offers, or intends to offer, goods under the EURO and design mark.

The Applicant has produced a substantial number of documents relating to channels of trade, and has satisfied its duty for this Request. The Applicant has produced documents from its trade shows and has even labeled them for the Opposer despite not having a duty to do so. Exhibit E. The Applicant has produced advertisements (*Id.*), and approximately 83 representative invoices that list its customers and are pertinent to the channels of trade. A single exemplary invoice in redacted form is attached as Exhibit C. The Applicant has met its burden for this Request.



## **H. Document Request 19**

Opposer's Document Request 19 and Interrogatory No. 12, and Applicant's Response, is reproduced below:

### Request No. 19

All documents consulted by Applicant in responding to Opposer's Interrogatory No. 12.

### **INTERROGATORY NO. 12**

State Applicant's annual expenditures for advertising and/or promotion for each of Applicant's goods offered in connection with the EURO and design mark since the date of first use of that mark.

### **RESPONSE TO INTERROGATORY NO. 12**

Subject to the foregoing objections, Applicant responds that its annual expenditures on these items varies but are around \$50K.

The Applicant has stated its annual expenditure on advertising, and has produced relevant documents from its trade shows and has even labeled them for the Opposer despite not having a duty to do so. Exhibit E. The Applicant has produced advertisements. *Id.* The Applicant has met its burden for these requests.

To the extent that the Opposer is seeking invoices for all trade shows and advertisement, such documents are not relevant to this proceeding and unduly burdensome. The Applicant cannot be expected to gather all invoices for its advertisements when such invoices are not relevant to this proceeding.

The Board should particularly deny further supplementation since the Opposer has taken the position in its discovery responses that documents relating to advertisement are not relevant. See, for example, Exhibit H, in which Applicant's Production Request 4 and Opposer's Response are reproduced below:

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents" and "all advertisements...." See General Objection 7. In addition, this request is objected to in that it is not written in a manner in which it can be understood. Finally, Opposer objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

**REQUEST NO. 4:**

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

Exhibit H, Opposer SATA GMBH & CO. KG's Responses and Objections to Applicant's Requests for the Production of Documents and Things, pages 4-5. The Opposer did not produce documents on advertisement and completely failed to respond to the Applicant's document request on advertisement. The Opposer cannot therefore argue that the Applicant's production is deficient when the Opposer has stated that documents relating to advertisement are irrelevant.

**I. Document Request 21**

Opposer's Document Request 21 is reproduced below:

Request No. 21

All documents which Applicant believes support its assertion that Applicant's goods are not inferior to Opposer's goods.

The Applicant has met its burden for this Request. The Opposer produced two documents, S480 and S481, (Exhibit F) in support of its allegations that the Applicant's goods are inferior, which appears to be based on a comparison of the patterns of Opposer's and Applicant's paint spray. In response, Applicant has produced a document (Exhibit G) of an advertisement of a competitor, Anest Iwata, which shows that the patterns of paint sprayed by the spray guns of the Opposer and the Applicant are typical patterns (*i.e.* the Applicant's spray guns are not inferior). See Exhibit G, the illustration under "Competition", which shows a typical competitor's paint spray application.

The Opposer only produced two documents in response to the Applicant's request and cannot state that the Applicant's production is somewhat inadequate when Applicant specifically addresses the Opposer's evidence on alleged inferiority of the Applicant's spray gun. Furthermore, the Applicant does not have additional documents responsive to this request and is not withholding any documents based on a claim of work product or privilege. The Applicant has met its burden for this Request.

**V. Opposer's Request for a Privilege Log Should be Denied**

The Opposer requested in its motion to compel an order for the Applicant to produce a privilege log. The Applicant believes that a privilege log is not necessary and that the Opposer is in no position to request an Order for a privilege log when the Opposer itself has not produced a

privilege log. In its motion, the Opposer requests a privilege log for Interrogatory 1 (and related document requests), Interrogatory 9 (and related document requests), Document Request 9, Document Request 19, and Document Request 21. The Applicant is not withholding any document under a privilege or work product basis for these discovery requests, making a privilege log unnecessary. To the extent that the Board orders a privilege log to be produced, in view of fairness, it is requested that any such order apply to both parties since the Opposer has failed to produce a privilege log as well.

#### **VI. Conclusion**

For the foregoing reasons, it is requested that the Opposer's motion be denied.



Payam Moradian  
Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90024  
p@moradianlaw.com  
917-353-1919

Date: July 3, 2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SATA GmbH & Co. KG	)	
Opposer	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91210813
Applicant	)	

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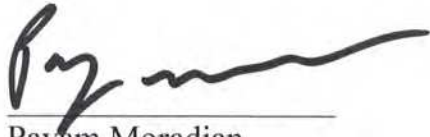
**DECLARATION OF PAYAM MORADIAN, ESQUIRE**

1. The undersigned, Payam Moradian, is counsel for Applicant, Mike Ghorbani, in connection with Trademark Opposition Proceeding No. 91210813, captioned SATA GmbH & Co. KG v. Mike Ghorbani.
2. Attached hereto as Exhibit A is a true and accurate copy of various items of email correspondence between Opposer and Applicant commencing on May 7, 2014.
3. Attached hereto as Exhibit B is a true and accurate copy of Applicant's Second Supplemental Response to Opposer's First Set of Interrogatories bearing a Certificate of Service dated June 25, 2014.
4. Attached hereto as Exhibit C is a true and accurate, redacted copy of Applicant's invoice dated January 6, 2007.
5. Attached hereto as Exhibit D is a true and accurate copy of pictures of Applicant's goods.



6. Attached hereto as Exhibit E is a true and accurate copy of pictures of Applicant's advertisements and documents from its trade shows.
7. Attached hereto as Exhibit F is a true and accurate copy of Opposer's documents S480 and S481.
8. Attached hereto as Exhibit G is a true and accurate copy of Anest Iwata's advertisement showing a typical competitor's paint spray application.
9. Attached hereto as Exhibit H is a true and accurate copy of Applicant's First Set of Requests for Production of Documents and Things with a certificate evidencing service on January 2, 2014 and also a true and accurate copy of Opposer's Responses thereto with a Certificate of Service dated February 6, 2014.
10. Attached hereto as Exhibit I is a true and accurate copy of Applicant Expert's (Michal DeMarco) Supplemental Response to Opposer's Expert Discovery Interrogatories bearing a Certificate of Service dated June 10, 2014.
11. Attached hereto as Exhibit J is a true and accurate copy of various items of email correspondence between Opposer and Applicant commencing on May 16, 2014.
12. Attached hereto as Exhibit k is a true and accurate copy of Opposer's Expert Discovery Interrogatories served on March 31, 2014.

This Declaration is made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.



Payam Moradian

Attorney for Mike Ghorbani

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Los Angeles, CA 90024

[p@moradianlaw.com](mailto:p@moradianlaw.com)


917-353-1919



### **Certificate of Service**

I hereby certify that a true and correct copy of APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO COMPEL (DOC. 12), Exhibits, and supporting declaration has been duly served on July 3, 2014 by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By:   
Payam Moradian

# EXHIBIT A



Payam Moradian <p@moradianlaw.com>

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## MEET AND CONFER

6 messages

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Thomas Vande Sande <tv@hvsllc.com>

Wed, May 7, 2014 at 11:32 AM

To: "p@moradianlaw.com" <p@moradianlaw.com>

Cc: Lucas Vande Sande <lvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Dear Mr. Moradian,

I join you in believing that it would likely be beneficial for us to have the opportunity to discuss various outstanding issues, including those raised in your email of May 2.

I would like to suggest that we schedule a time for May 14<sup>th</sup>, preferably at 10:00 or 11:00 am your time. Please let me know if one of these times works for you.

Best regards,

Tom Vande Sande

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Payam Moradian <p@moradianlaw.com>

Wed, May 7, 2014 at 11:35 AM

To: Thomas Vande Sande <tv@hvsllc.com>

Cc: Lucas Vande Sande <lvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Mr. Vande Sande,

May 14 at 11AM my time works for me. I would appreciate if you send me an agenda of issues that you have at your end. I may be able to resolve them before the teleconference.

Thank you

[Quoted text hidden]

—

Payam Moradian, Patent Attorney

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Los Angeles, CA 90024

[p@moradianlaw.com](mailto:p@moradianlaw.com)

917-353-1919

[www.moradianlaw.com](http://www.moradianlaw.com)

Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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Thomas Vande Sande <tv@hvsllc.com>

Thu, May 8, 2014 at 12:19 PM

To: Payam Moradian <p@moradianlaw.com>

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Dear Mr. Moradian,

We are looking to have resolved prior to our meet and confer, or discussed during the meet and confer, the following:

1. Our often mentioned letter of October 31, 2013 detailing the specific deficiencies in Mr. Ghorbani's Responses and document production in connection with our first set of requests for production. The various issues raised in that letter have been neglected for way too long.
2. The particulars set forth in our letter of April 21, 2014.
3. The date by which you intend to respond to our second set of interrogatories and our second set of production requests. As you have previously noted, the suspension of proceedings effects the date your answers, responses and production are due, but I am looking for a statement of your intentions as to when you believe those items of discovery are to be responded to. As I earlier noted, your client has now had months to make related efforts and I do not see the need for a further 30 delay being tacked on once the Board has lifted the suspension.
4. We have recently received from you documents bearing production numbers MGD 000058-000063 but we do not see any indication of any document request or response associated with these documents. Please identify the specific discovery which prompted the production of these documents.
5. We have several issues to address relating to the interrogatory answers and production request responses received in connection with our expert related discovery.
  - a. We note that the simple inquiry set forth in Interrogatory 2 has been ignored. The question requires no more than a yes or no answer. Please supplement accordingly.
  - b. As to Interrogatory 3, we can quibble, if needed, at some later date concerning geography issues. In the meanwhile, we request that our interrogatory be answered.

Doing so should not be difficult for an expert.

c. Turning to Interrogatory 4, the interrogatory asks the expert about the considerations a consumer might entertain before obtaining a sample gun to test, not when a consumer asks for a sample. Given the discussion set forth in your expert's Report, we would imagine that he should be able to answer this question. We need to receive an answer reflecting your expert's knowledge or opinion as such might pertain to the question asked.

d. The answer provided in response to interrogatory 6 is completely unresponsive. The inquiry relates to the copying of guns. No discussion is requested or needed relating to popularity. Please see that we are provided with answers to the very specific questions set forth in parts A and B of this interrogatory.

e. Interrogatory 7 poses a simple yes or no question. We demand a non-evasive answer to the single simple inquiry posed.

f. The answers provided in response to Interrogatories 9 and 10 are flawed for several reasons. Firstly, the objections that these inquiries are "incomplete" and "prejudicial" simply make no sense. Additionally, both the objections and the proffered answer ignore the fact that we are entitled to pose hypothetical questions to an expert. He need be provided with no specific website reference. We are simply asking him what the motivation would be, in his expert opinion for a vendor making the statements set forth in the interrogatories at a website. Finally, looking at the "expert's" answer, if he indeed is not familiar with, or was not provided with statements made by Mr. Ghorbani as such relate to SATA and its products, we will leave to the Board the effect and impact that fact may have on the knowledge of, and the opinions urged by, Mr. Demarco.

g. Directing your attention to the Responses to our expert directed production requests, we are quite concerned with the Responses received to Requests 1,3 and 4. Specifically, each Response contends that the related Request is "overly burdensome", but absolutely no detail is provided in terms of the number of involve documents and obviously they are not located in some remote area that makes their location a chore. Additionally, while claims of work product protection and attorney client privilege are made, no supporting privilege log has been provided. Please promptly provide us such so that we mat fairly evaluate the claims you have made in accordance with the applicable rules of law. Next, we note that the Responses state that responsive documents "will" be produced. Please provide us with a date certain for such production. Finally, while it is stated that a substantial number of documents have been produced along with the expert's report, no effort has been made to identify any documents that have been produced in response to these requests. Please provide a

specific identification of any such documents in response to Requests 1, 3 and 4.

It may well be that we will have other issues to raise relating to these and other pending matters and we will of course bring such to your attention as they arise. In the meanwhile, I appreciate your willingness to resolve all possible issues prior to our discussion next week.

Best regards,

Tom Vande Sande

From: Payam Moradian [mailto:[p@moradianlaw.com](mailto:p@moradianlaw.com)] .stt  
Sent: Wednesday, May 07, 2014 2:36 PM  
To: Thomas Vande Sande  
Cc: Lucas Vande Sande; Denise Nappi  
Subject: Re: MEET AND CONFER

[Quoted text hidden]

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Payam Moradian <[p@moradianlaw.com](mailto:p@moradianlaw.com)>  
To: Thomas Vande Sande <[tv@hvsllc.com](mailto:tv@hvsllc.com)>

Fri, May 9, 2014 at 10:38 AM

Mr. Vande Sande,

I did not realize that your agenda had so many items when setting our meet and confer meeting. We will try our best to address your points by Wednesday, but if we need more time, I may ask for an additional few days for the meet and confer.

Thank you

[Quoted text hidden]

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Thomas Vande Sande <[tv@hvsllc.com](mailto:tv@hvsllc.com)>  
To: Payam Moradian <[p@moradianlaw.com](mailto:p@moradianlaw.com)>  
Cc: Lucas Vande Sande <[ltvs2709@gmail.com](mailto:ltvs2709@gmail.com)>, Denise Nappi <[dnappi@hvsllc.com](mailto:dnappi@hvsllc.com)>

Mon, May 12, 2014 at 11:56 AM

Mr. Moradian,

I have no objection to altering the date of the meet and confer but would like to ask that you let me know at some point tomorrow (Tuesday) whether we are looking to talk on Wednesday.

What was included in the agenda was limited, of course, to our current discovery

concerns in the now pending Opposition proceeding. I do not know if you are also looking to discuss, prior to, subsequent to, during the meet and confer, or not at all, additional of our clients' disputes. For instance, we see that your client has filed yet another EURO trademark application, which we will likely look to oppose, if and when it is published for Opposition. Additionally, as previously discussed, most recently during our January phone discussion, our client remains deeply concerned by Mr. Ghorbani's offering for sale, and sale of, SATA copy guns and the patent infringement and unfair competition implications of those activities. Please let me know if you are looking to have our discussions involve these broader issues as well.

Tom Vande Sande

From: Payam Moradian [mailto:[p@moradianlaw.com](mailto:p@moradianlaw.com)]  
Sent: Friday, May 09, 2014 1:39 PM  
To: Thomas Vande Sande

[Quoted text hidden]

[Quoted text hidden]

---

Payam Moradian <[p@moradianlaw.com](mailto:p@moradianlaw.com)>  
To: Thomas Vande Sande <[tv@hvsllc.com](mailto:tv@hvsllc.com)>  
Cc: Lucas Vande Sande <[ltvs2709@gmail.com](mailto:ltvs2709@gmail.com)>, Denise Nappi <[dnappi@hvsllc.com](mailto:dnappi@hvsllc.com)>

Mon, May 12, 2014 at 2:28 PM

Dear Mr. Vande Sande,

We plan to supplement our responses and production by early next week. A meet and confer would be more fruitful after the supplementation. I believe that it is best to do our meet and confer in the middle of next week.

My client has not infringed any of Sata's patents or carry out unfair competition. The cease and desist letter that you sent to my client involved a patent that covered a totally different design than that sold by my client. It is Sata who has engaged in unfair competition by sending a cease and desist letter to my client regarding a patent that Sata knew did not cover my client's product.

Thank you

[Quoted text hidden]



# EXHIBIT B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SATA GmbH & Co. KG	)	
Opposer	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
Applicant	)	

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**APPLICANT'S SECOND SUPPLEMENTAL RESPONSE TO OPPOSER'S FIRST SET  
OF INTERROGATORIES**

Pursuant to the Federal Rules of Civil Procedure, Applicant Mike Ghorbani (hereinafter "Applicant"), hereby responds and objects in this second supplemental response to Opposer's First Set of Interrogatories.

**PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS**

Applicant has not completed its discovery, investigation, research, or trial preparation. Applicant's responses may therefore depend upon information that has not yet been discovered or analyzed. These responses are based solely on the information obtained and reviewed to date. Applicant reserves the right to amend or supplement these objections and responses to the extent allowed by the Federal Rules of Civil Procedure after considering information obtained or reviewed through further discovery, investigation, or research. Applicant further reserves the right to produce or use any information or documents that are discovered after service of this response in support

of, or in opposition to, any motion, in depositions, or at trial. Applicant does not waive any objections on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained herein, and expressly reserves the right to use any of these responses or the subject matter contained in them during any subsequent proceeding, including the trial of this or any other action.

### **GENERAL OBJECTIONS**

The following general objections apply to, and are incorporated by reference in, every response to each interrogatory. Specific objections to the interrogatories are not intended to preclude, override, or withdraw any of the general objections to that request.

1. Applicant objects to each interrogatory, Definition , and Instruction to the extent that it seeks information neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks to impose requirements or obligations on Applicant in addition to, or different from, those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, any applicable orders of this Court, or any stipulation or agreement between the parties.

3. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it exceeds the scope of permissible discovery by calling for information that is protected from discovery by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. Nothing contained in these objections

and responses is intended to be, or in any way constitutes, a waiver of any applicable privilege or immunity. Inadvertent production of such information, document(s), and/or thing(s) shall not be deemed a waiver of any privilege or immunity.

4. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information that is within the scope of a confidentiality agreement, protective order, settlement agreement, or other obligation that requires consent of any third party.

5. Applicant objects to each interrogatory, Definition, and Instruction as overly broad and unduly burdensome to the extent that it seeks information beyond what is available from a reasonable search of's files likely to contain relevant or responsive documents and a reasonable inquiry of's employees.

6. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks "each and every," "all," or "any" responsive information on the basis that such interrogatory is overly broad and unduly burdensome.

7. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it directs Applicant to describe or state responsive information "in detail" on the basis that such interrogatory is overly broad and unduly burdensome.

8. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information or identification of documents that are not within the possession, custody, or control of or refers to persons, entities, or events not known to , subjecting Applicant to unreasonable and undue annoyance, oppression, burden, and expense, and imposing upon it an obligation to discover information or materials from third parties or services who are equally accessible to the Opposer.

9. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information that does not already exist.

10. Applicant objects to each interrogatory to the extent that it calls for legal conclusions or presents questions of pure law.

11. Applicant objects to each interrogatory, Definition, and Instruction as premature to the extent that it seeks expert discovery. Applicant will provide expert discovery in accordance with applicable orders of this Court.

12. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it purports to attribute any special or unusual meaning to any technical or legal terms or phrases.

13. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information outside the relevant geographical or temporal scope of this action.

14. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it is vague, ambiguous, and unclear, including Opposer's use of terms that are not defined, vaguely and/or over broadly defined, and/or not susceptible to any single meaning's failure to object to a term defined by Opposer's in its First Set of interrogatories shall not be construed to mean that Applicant understands and/or agrees with the Definition.

15. Applicant objects to each interrogatory, Definition, and Instruction to the extent

that (i) the discovery sought is unreasonably cumulative or duplicative, is publicly available, and/or is available to Opposer from a more convenient, less burdensome, or less expensive source; (ii) the requesting party has had ample opportunity by discovery to obtain the information sought; or (iii) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in this action, and the importance of the proposed discovery in resolving the issues.

16. Applicant objects to the definitions of "I," "You," or "Your" as overbroad, unduly burdensome, vague, ambiguous, unclear, and seeking information that is neither relevant to the claim or defenses of any party to this action, nor reasonably calculated to lead to the discovery of admissible evidence. These definitions, including, without limitation, phrases such as any "of its owners, partners, officers, directors, employees, affiliates, agents, counsel, attorneys, representatives, and anyone else action on behalf of THE APPLICANT or for THE APPLICANT's benefit," impermissibly enlarge the scope of the interrogatories and this action by seeking to apply these interrogatories to and/or request that Applicant respond on behalf of vague, overbroad, and burdensome categories of entities and include unnamed parties to this action.

17. Applicant objects to the Instructions to the extent they seek to impose a burden and/or duty to identify documents or business records in a manner inconsistent with's ordinary course of business or beyond the scope of the Federal Rules of Civil Procedure or any applicable local rules. Applicant will comply with the requirements of the Federal Rules of Civil Procedure and any applicable local rules.



18. Applicant objects to the Definitions, Instructions, and interrogatories to the extent they seek to impose a burden and/or duty to provide and/or characterize financial data in a manner inconsistent with its ordinary course of business or beyond the scope of the Federal

Rules of Civil Procedure or any applicable local rules. Applicant will comply with the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

### **SPECIFIC RESPONSES AND OBJECTIONS**

Applicant incorporates by reference the General Objections set forth above into the Specific Responses set forth below. Applicant may repeat an objection for emphasis or some other reason. The failure to repeat any General Objection, however, does not waive any such objection to the interrogatory.

#### **INTERROGATORY NO.1**

Describe the facts surrounding the selection of the EURO and design mark by Applicant. identifying relevant dates and the persons most closely connected with the selection of the mark. Identify all related documents.

#### **RESPONSE TO INTERROGATORY NO.1**

Subject to the foregoing objections, Applicant responds that Mike Ghorbani selected EURO name and design spontaneously.

#### **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.1**



The Applicant has no documents relating to this interrogatory, and is not withholding any document due to a privilege or work product.

## **INTERROGATORY NO.2**

Identify each meeting or discussion to which the consideration, selection, approval or adoption of the EURO and design mark for use on any of Applicant's goods was discussed, and for each such meeting or discussion, identify each participant. Identify all related documents.

## **RESPONSE TO INTERROGATORY NO.2**

Subject to the foregoing objections, Applicant responds that no such specific meetings or discussions took place.

## **INTERROGATORY NO.3**

Identify the individual(s) employed by or associate with Applicant who are most knowledgeable about Applicant's intended and/or actual use of the EURO and design mark.

## **RESPONSE TO INTERROGATORY NO.3**

Subject to the foregoing objections, Mike Ghorbani is the person most knowledgeable about the subject of this interrogatory.

## **INTERROGATORY NO.4**

Identify and describe all goods and/or services in connection with which the EURO and design mark is used, or is intended to be used, by Applicant, and by any licensee or

other entity using the mark with Applicant's permission. As to each item of goods and services state the annual revenues in dollars since used of the mark commenced.

#### RESPONSE TO INTERROGATORY NO. 4

Subject to the foregoing objections, Applicant responds that its use and intended uses of the EURO mark and design are identified in the application for the mark and include, e.g., paint Spray Gun, Air Brush, Compressor, etc.

#### SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4

The following documents are responsive to this interrogatory: MGD0000103-MGD000221. The Applicant notes that documents MGD107-MGD-189 are highly confidential and attorney eyes only.

#### INTERROGATORY NO.5

Identify the types of classes of purchases of the goods and services offered by Applicant under the EURO and design mark.

#### RESPONSE TO INTERROGATORY NO.5

Subject to the foregoing objections, Applicant responds that its use and intended uses of the EURO mark and design are identified in the application for the mark.

#### SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5

The following documents are responsive to this interrogatory: MGD0000103-MGD000221. The Applicant notes that documents MGD107-MGD-189 are highly confidential and attorney eyes only.

#### **INTERROGATORY NO.6**

Describe in detail the nature of Applicant's business.

#### **RESPONSE TO INTERROGATORY NO.6**

Subject to the foregoing objections, Applicant responds that business is that of import, distribution and sale of paint Spray Gun, Air Brush, Air Regulator, Filter and related products.

#### **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6**

The following documents are responsive to this interrogatory: MGD0000103-MGD000221. The Applicant notes that documents MGD107-MGD-189 are highly confidential and attorney eyes only.

#### **INTERROGATORY NO.7**

With respect to each and every opinion of counsel which relates to or refers to Applicant's right to use or register the EURO and design mark, identify each written or oral communication providing each such opinion and each such communication requesting each such opinion. Provide the date any such opinions(s) was or were requested, as well as the date any such opinion was rendered.

#### **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES**

Subject to the foregoing objections, Applicant responds that no such opinions of counsel were obtained.

### **INTERROGATORY NO.8**

Identify with specificity when and under what circumstances Applicant first learned of the Opposer.

### **RESPONSE TO INTERROGATORY NO.8**

Subject to the foregoing objections, Applicant responds that it learned of the Opposer through trade shows and industry news.

### **INTERROGATORY NO.9**

Describe in detail Applicant's first use of the EURO and design mark with respect to any and all goods. Identify all documents and things which Applicant contends supports its alleged first use date(s) and its alleged date(s) of first use in commerce.

### **RESPONSE TO INTERROGATORY NO. 9**

Subject to the foregoing objections, Applicant responds that it began its use of EURO as long as 8 years ago in connection with paint Spray Guns.

### **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9**

The Applicant has used in commerce the goods identified in the application for the mark at least as early as its statement of use date. The following documents are responsive to this interrogatory: MGD000107-189.

### **INTERROGATORY NO. 10**

Identify the person(s) most knowledgeable concerning:

- (a) the goods and any services offered by Applicant;
- (b) trademarks, trade names, and service marks used by Applicant;
- (c) advertising and advertising plans in connection with which the EURO and design mark have been or are currently used or are intended to be used.

#### RESPONSE TO INTERROGATORY NO. 10

Subject to the foregoing objections, Applicant responds that Mike Ghorbani is the person most knowledgeable about the subject of this interrogatory.

#### **INTERROGATORY NO. 11**

Identify and describe in detail any conflict, allegation of infringement or controversy, whether currently pending or resolved, with any third party involving Applicant and the EURO and design mark. Indentify all documents referring or relating thereto.

#### RESPONSE TO INTERROGATORY NO. 11

Subject to the foregoing objections, Applicant responds that it is not aware of any such information.

#### **INTERROGATORY NO. 12**

State Applicant's annual expenditures for advertising and/or promotion for each of Applicant's goods offered in connection with the EURO and design mark since the date of first use of that mark.

#### RESPONSE TO INTERROGATORY NO. 12

Subject to the foregoing objections, Applicant responds that its annual expenditures on these items varies but are around \$50K.

#### **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4**

Applicant's advertising and promotion is illustrated in the following documents:  
MGD000073 to MGD000081.

#### **INTERROGATORY NO. 13**

Identify all uses of the term EURO, either alone or in combination with another word, or words, as a corporate name, trade name, service mark, trademark, or other type of use by third parties in connection with painting related goods and services of which Applicant has knowledge.

#### **RESPONSE TO INTERROGATORY NO. 13**

Subject to the foregoing objections, Applicant responds that it is currently aware of the use of EURO by only one entity, named Astro, Inc.

#### **INTERROGATORY NO. 14**

Describe in detail the relationship between MG Distributors and Mike Ghorbani.

#### **RESPONSE TO INTERROGATORY NO. 14**

Subject to the foregoing objections, Applicant responds that it is the owner of MG Distributors, Inc.

#### **INTERROGATORY NO. 15**

Describe in detail all facts upon which Applicant bases its contention that its spray guns are not inferior to Opposer's spray guns as asserted by Applicant in Paragraph 4 of its Answer.

#### RESPONSE TO INTERROGATORY NO. 15

Subject to the foregoing objections, Applicant responds that its contention that its spray guns are not inferior to Opposer's spray guns is based on Applicant's confidence in its products and the trust and confidence demonstrated by its customers in its products.

#### SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15

The Opposer also has no evidence showing that the spray guns sold under the name Sata are of better quality than those sold under the name Euro. The Applicant's expert Michael DeMarco examined the Opposer's alleged evidence S 0481 and S 0480 and found no remarkable difference between the performance of the spray guns sold under Sata and Euro. Additionally, the spray pattern illustrated in S 0481 and S 0480 is a typical pattern for a spray gun (MGD000070).

#### INTERROGATORY NO. 16

Describe in detail all facts upon which Applicant bases its contention that its spray guns are sold to different potential customers as asserted by Applicant in Paragraph 4 of its Answer.

#### RESPONSE TO INTERROGATORY NO. 16

Subject to the foregoing objections, Applicant responds that customers of its products have come to trust and have confidence in those products, including spray guns and



repeatedly return to purchase those products. The price differential between Applicant's spray guns and those offered by the Opposer is another basis for the difference in actual and potential customers of these products.

#### **INTERROGATORY NO. 17**

Identify the geographic origin of Applicant's goods which bear the EURO and design mark.

#### **RESPONSE TO INTERROGATORY NO. 17**

Subject to the foregoing objections, Applicant responds that it is not able to determine the meaning of the above interrogatory and objects to the same as vague, ambiguous and nonsensical.

#### **SUPPLEMENTAL RESPONSE TO INTERROGATORY No. 17:**

Subject to the foregoing objections, Applicant responds that it is not able to determine the meaning of the above interrogatory, and objects to the same as vague, ambiguous and non-sensical.

#### **FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY No. 17:**

Subject to the foregoing objections, Applicant responds that it is not able to determine the meaning of the above interrogatory, and objects to the same as vague, ambiguous and non-sensical.

Subject to the foregoing objections, the geographic origin of Applicant's goods which bear the EURO and design mark is Taiwan.

#### **INTERROGATORY NO. 18**

Identify all references to Oppose or its products presently or formerly appearing in any website owned or controlled by Applicant.

#### **RESPONSE TO INTERROGATORY NO. 18**

Subject to the foregoing objections, Applicant responds that subject to Federal Rule of Civil Procedure 33(d), all the discovery sought in this interrogatory may be obtained from, among other things, the non-privileged documents that have been produced and will be produced.

#### **INTERROGATORY NO. 19**

State what the Applicant contends is the primary significance of "EURO" (a) in general and (b) as a portion of Applicant's mark.

#### **RESPONSE TO INTERROGATORY NO. 19**

Subject to the foregoing objections, Applicant responds that a primary significance of its Euro mark and design is its identification of Applicant's products that are identified by that mark.

#### **INTERROGATORY NO. 20**

Describe in detail all facts upon which Applicant bases its contention that purchasers of spray guns are sophisticated and unlikely to be confused, as asserted by Applicant in Paragraph 17,

#### **RESPONSE TO INTERROGATORY NO. 20**

Subject to the foregoing objections, Applicant responds that, given their cost, customers of spray guns are likely to pay attention and take care to chose the brands that they have trust and confidence in and that they recognize.

**INTERROGATORY NO. 21**

Identify all media used by Applicant in the offering and promotion of those of Applicant'S goods which bear the EURO and design mark.

**RESPONSE TO INTERROGATORY NO. 21**

Subject to the foregoing objections, Applicant responds that it has utilized the internet, trade shows, direct mail for offering its goods.

**INTERROGATORY NO. 22**

Identify the person or persons most knowledgeable as to each of the answers provided to each of the foregoing Interrogatories.

**RESPONSE TO INTERROGATORY NO. 22**

Subject to the foregoing objections, Applicant responds that Mike Ghorbani is the person most knowledgeable about the subject matter of this interrogatory.

As to Answers:

A handwritten signature in blue ink, appearing to read "M. Ghorbani", written over a horizontal line.

Mike Ghorbani

June 25, 2014

As to Objections:

A handwritten signature in blue ink, appearing to read "Payam Moradian", written over a horizontal line.

June 25, 2014

Payam Moradian  
Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90024  
p@moradianlaw.com  
917-353-1919

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing on June 25, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian

# EXHIBIT C

MGD000107


**M. G. DISTRIBUTOR INC.**


7449 Reseda Blvd. #104  
 Reseda CA 91335  
 Phone : (213) 627-1011  
 Fax : (213) 627 -2288

**Invoice**

Date	Invoice #
1/6/2007	370

**PAID**  
 02/07/2007

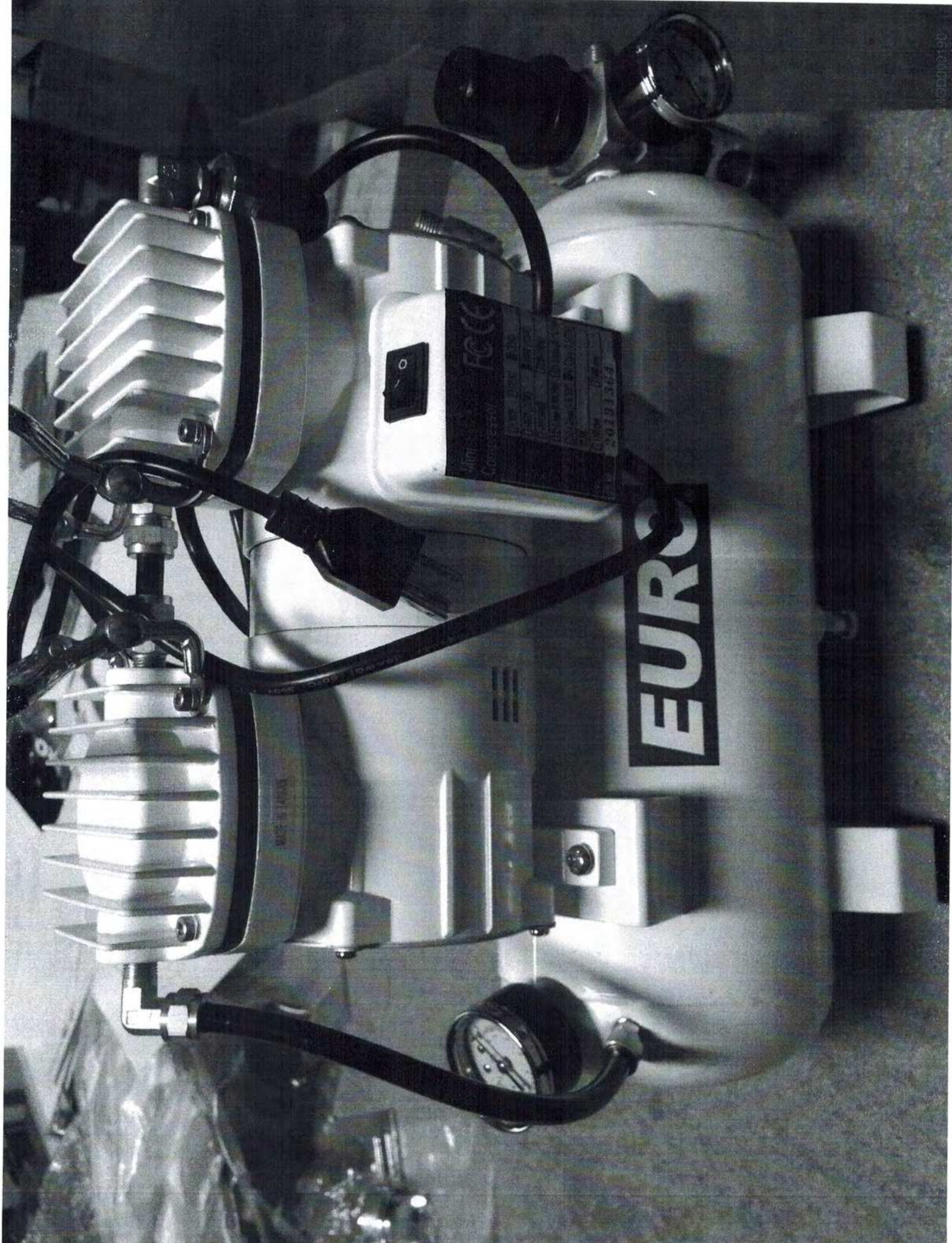
Bill To


Ship To


P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30	MG	1/6/2007	MGD.TRUCK		
Quantity	Item Code	Description			Price Each	Amount
10		12" PAINT STICKS (1000				
10		PAINT STRAINER (1000/CS)				
1		AIR SPRAY GUN HVLP 1.7 MM				
10		SPRAY GUN FILTER SETS				
6		AIR REGULATOR W/GAUGE				
10		GOLDENSTAR AIR REGULATOR				
1		EURO AIR SPRAY GUN HVLP 1.3 MM				
1		EURO AIR SPRAY GUN HVLP 1.4 MM				
1		EURO AIR SPRAY GUN HVLP 1.5 MM				
1		EURO AIR SPRAY GUN HVLP 2.0 MM				
2		EURO ALU. GRAVITY CUP 600C.C				
					<b>Total</b>	



# EXHIBIT D





M.G.D.  
C NO.: 173

EUR-70001-A EURO  
AQUADRY STAND  
FOR 2 DRYERS  
**EURO**



**EURO®**

# EURO<sup>TM</sup>

AQUADRY GUN

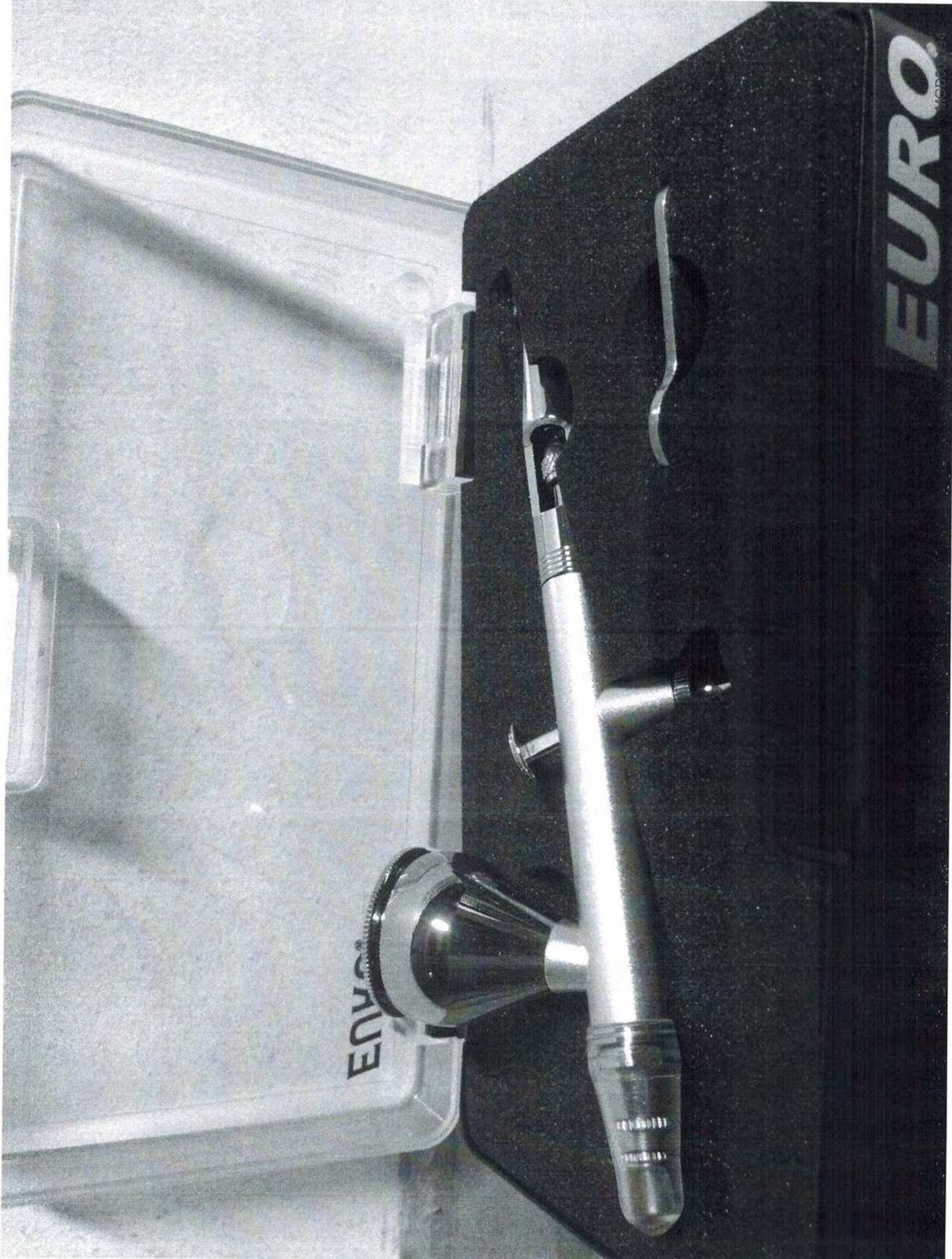




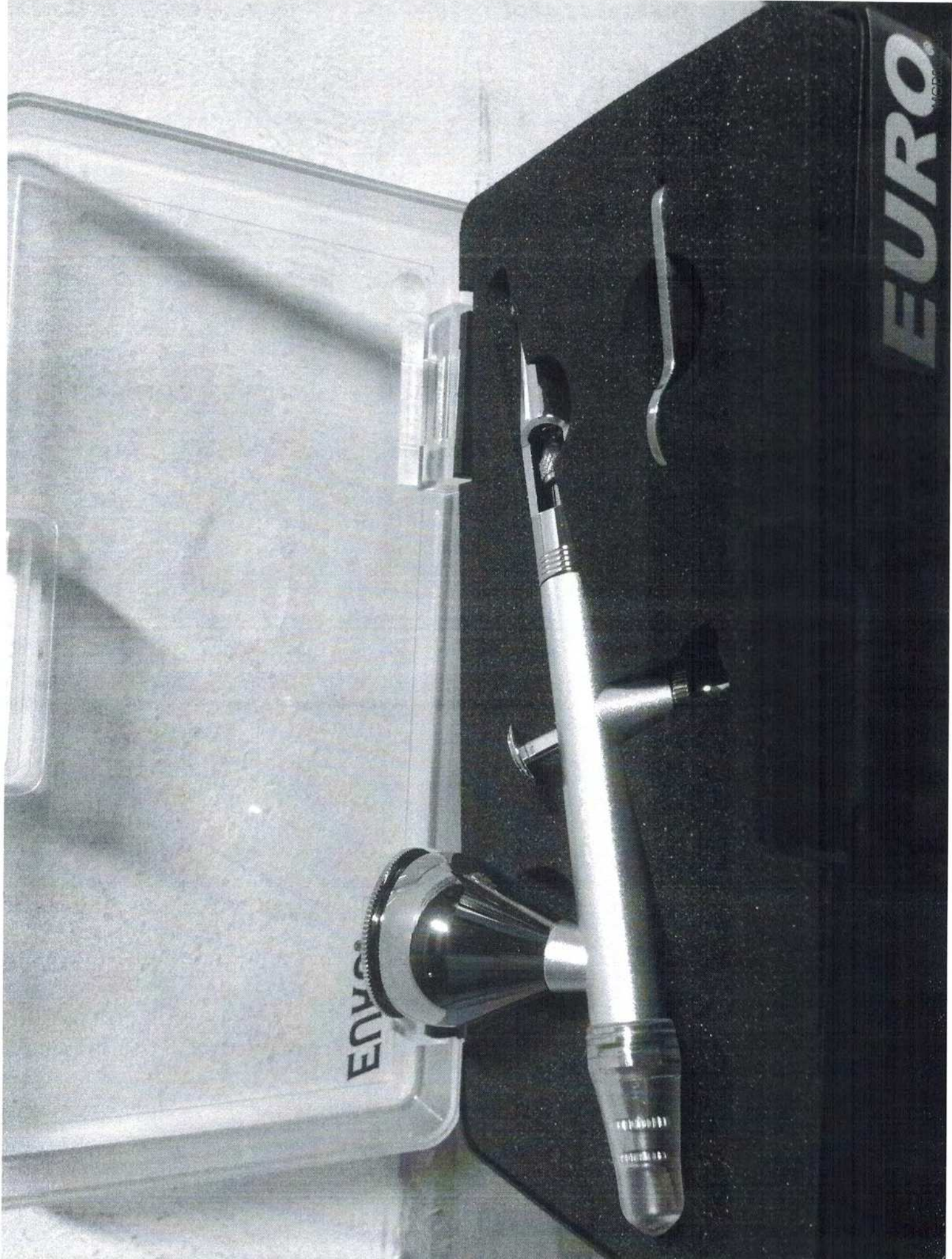
M.G.D.  
C/NO. 4  
MADE IN TAIWAN

**EURO.**  
EUR-7001-8  
EURO AQUADRY STAND  
FOR 3 DRYERS











# MINI

# EURO®

## AIR COMPRESSOR

### OILLESS

### DIAPHRAGM COMPRESSOR

This compact design compressor provides you with a convenient air source for airbrushing. The injected aluminium body is highly resistant to be damaged and is extremely durable.

As moving parts are mounted on sealed oilless bearings, it is much quieter than piston type compressors.

The use of these bearings also means that this unit needs no lubrication. So is much more user friendly.

The Mini Air Compressor is suitable for all airbrush works.







Electric motor 1/8HP 110V/220V, 60/50Hz  
 Air displacement 110V/60Hz, 0.90CFM(25L/min)  
 Connection 1/8"  
 Max. pressure 50PSI (3.5kgs)  
 Electric cable 1.5M  
 Weight 4.3kgs  
 RPM 110V/1700, 220V/1400  
 AMP 110V/1A, 220V/0.5A

# EURO



Electric motor 1/6HP 110/220V, 60/50Hz  
 Air displacement 240V/50Hz 1.5CFM (42L/min)  
 Connection 1/8"  
 Max. pressure 60PSI (4.2kgs)  
 Electric cable 1.5M  
 Weight 4.3kgs  
 RPM 110V/3400, 220V/2800  
 AMP 110V/1.6A, 220V/0.6A



Electric motor 1/8HP 110/220V, 60/50Hz  
 Air displacement 240V/50Hz 1.5CFM (42L/min)  
 Connection 1/8"  
 Max. pressure 60PSI (4.2kgs)  
 Electric cable 1.5M  
 Weight 4.3kgs  
 RPM 110V/3400, 220V/2800  
 AMP 110V/1.6A, 220V/0.6A





EUR - 1216  
EURO 5"SENDER,  
GRINDERS



**EURO®**

**EUR-2201**

Repair Kit for Euro Spray Gun  
2200 Series





**EURO**

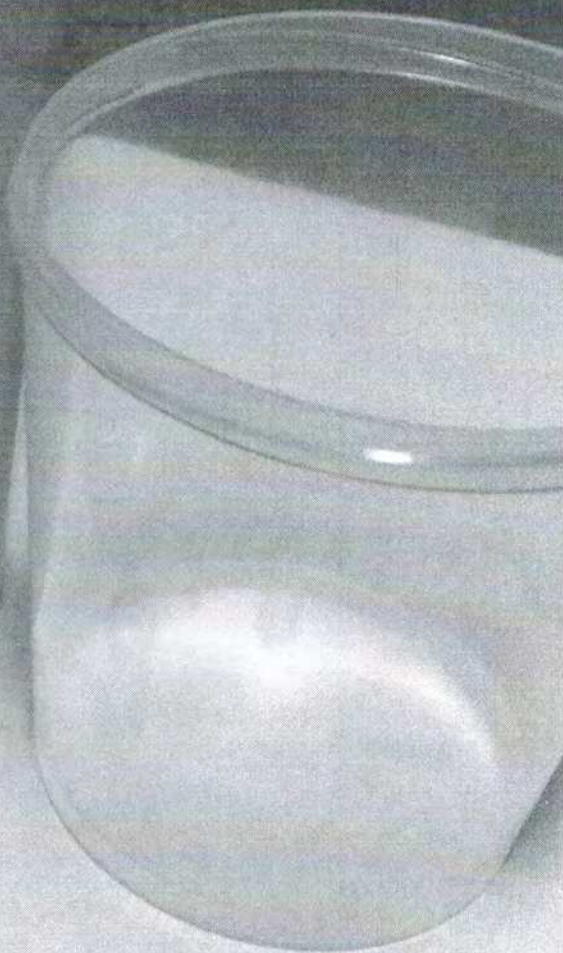
EUR-2209  
"3" EURO LID OF  
GRAVITY CUP





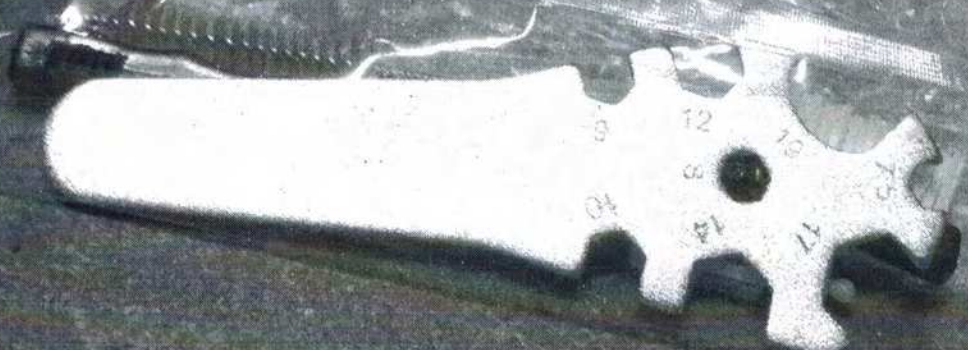
**EURO**

EUR-1210  
DISPOSABLE CUP  
WITH ADAPTOR



# **EXHIBIT D PART 2**







**EURO**

☐ EURO 2200

☒ EURO 3200

☐ HP ☒ HVLP ☐ MRP

☐ 1.0mm ☐ 1.1mm ☐ 1.2mm

☒ 1.3mm ☐ 1.4mm ☐ 1.5mm

☐ 1.6mm ☐ 1.7mm ☐ 1.8mm

☐ 1.9mm ☐ 2.0mm ☐ 2.1mm

☐ 2.5mm ☐ 3.0mm ☐ 3.5mm

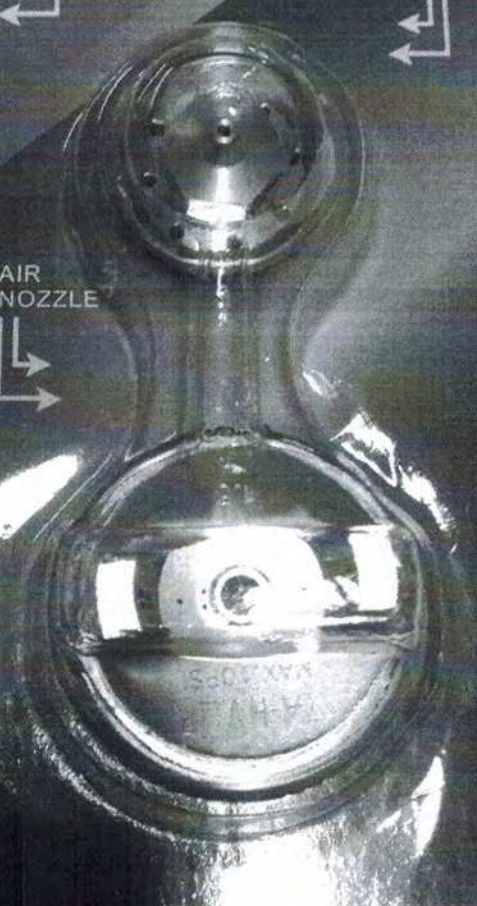
NEEDLE



FLUID  
NOZZLE



AIR  
NOZZLE





# GRAVITY CUP

1000 C.C.



**EURO**



# GRAVITY CUP

600 C.C.

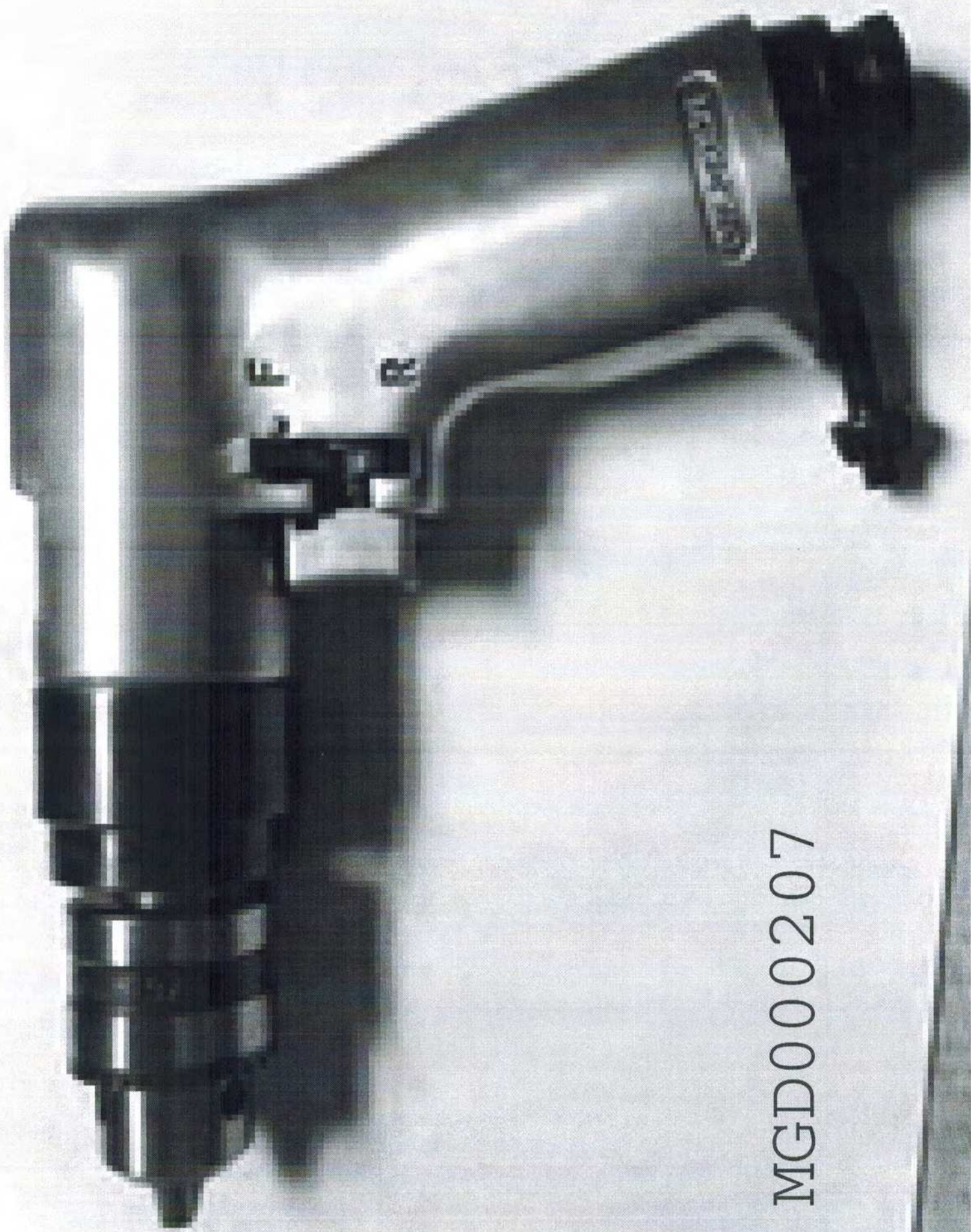


**EURO**









MGD000207





**EURO**

AIR FILTER  
& WATER SEPERATOR

EUR - 1





MGD000209

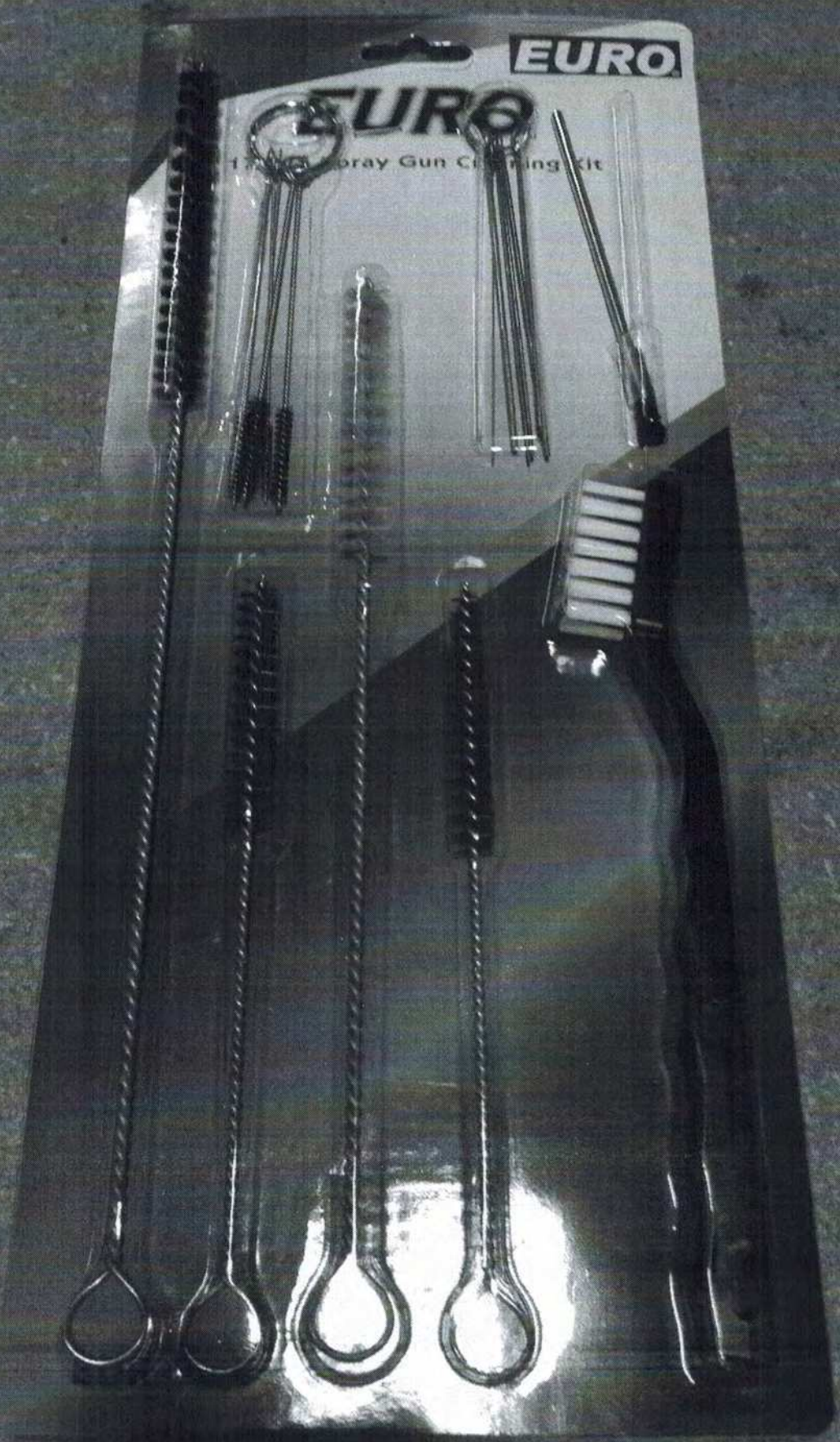


MGD000210

# **EXHIBIT D PART 3**



1100000211



**EURO**

**EURO**  
17mm Spray Gun Cleaning Kit



**EURO**☒ **EURO 2200**☐ **EURO 3200**☐ **HP** ☒ **HVLP** ☐ **MRP**☐ 1.0mm ☐ 1.1mm ☐ 1.2mm☒ 1.3mm ☐ 1.4mm ☐ 1.5mm☐ 1.6mm ☐ 1.7mm ☐ 1.8mm☐ 1.9mm ☐ 2.0mm ☐ 2.1mm☐ 2.5mm ☐ 3.0mm ☐ 3.5mm

NEEDLE

FLUID  
NOZZLEAIR  
NOZZLE



**EURO**

☐ EURO 2200

☒ EURO 3200

☐ HP ☐ HVLP ☒ MRP

☐ 1.0mm ☐ 1.1mm ☐ 1.2mm

☒ 1.3mm ☐ 1.4mm ☐ 1.5mm

☐ 1.6mm ☐ 1.7mm ☐ 1.8mm

☐ 1.9mm ☐ 2.0mm ☐ 2.1mm

☐ 2.5mm ☐ 3.0mm ☐ 3.5mm

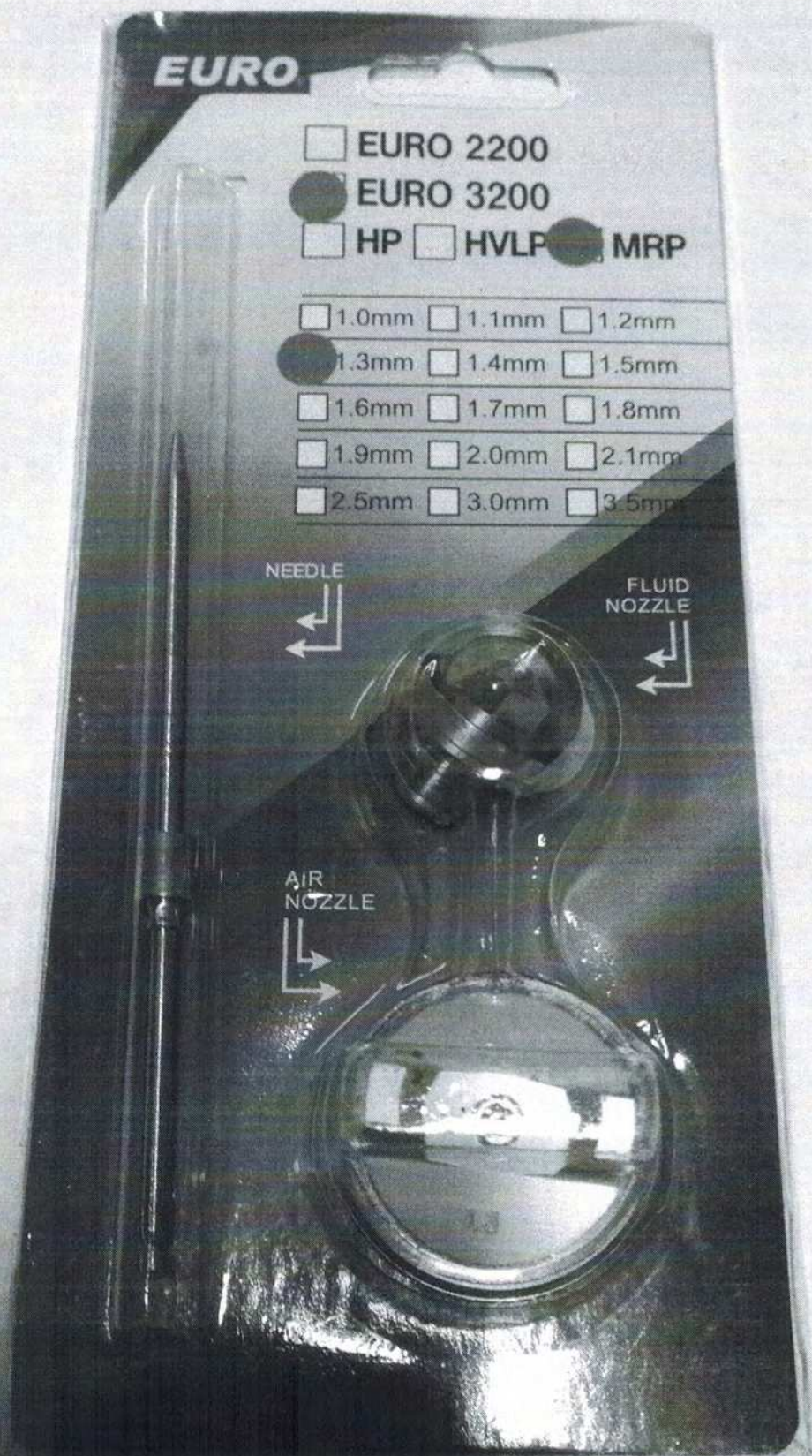
NEEDLE



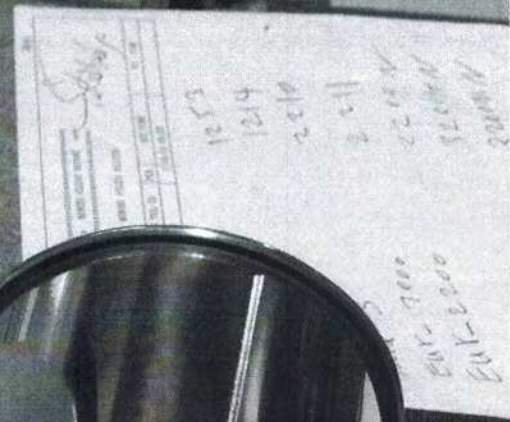
FLUID  
NOZZLE



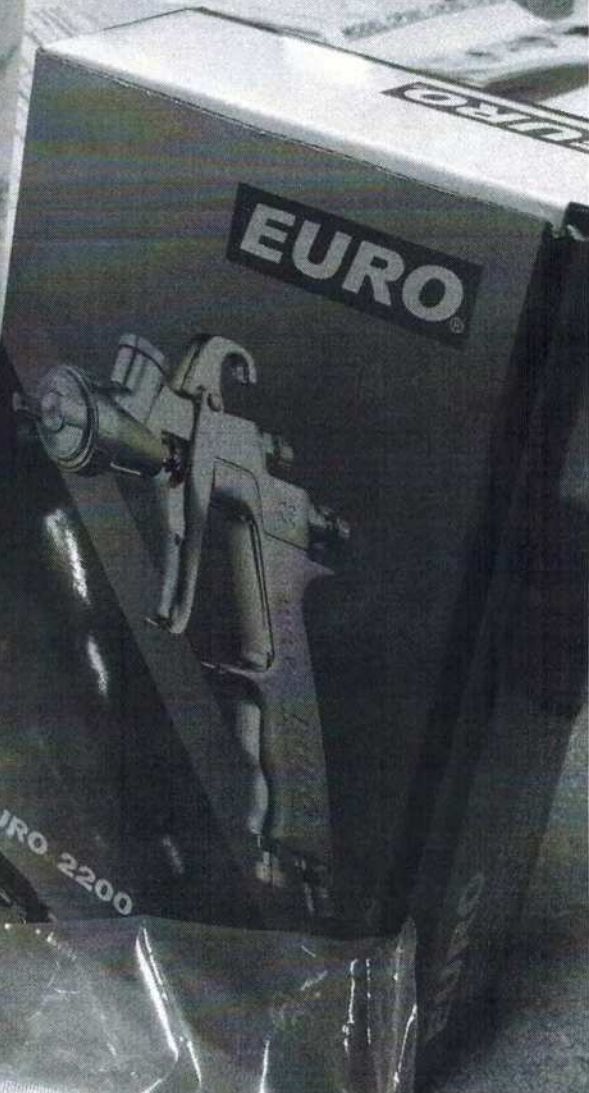
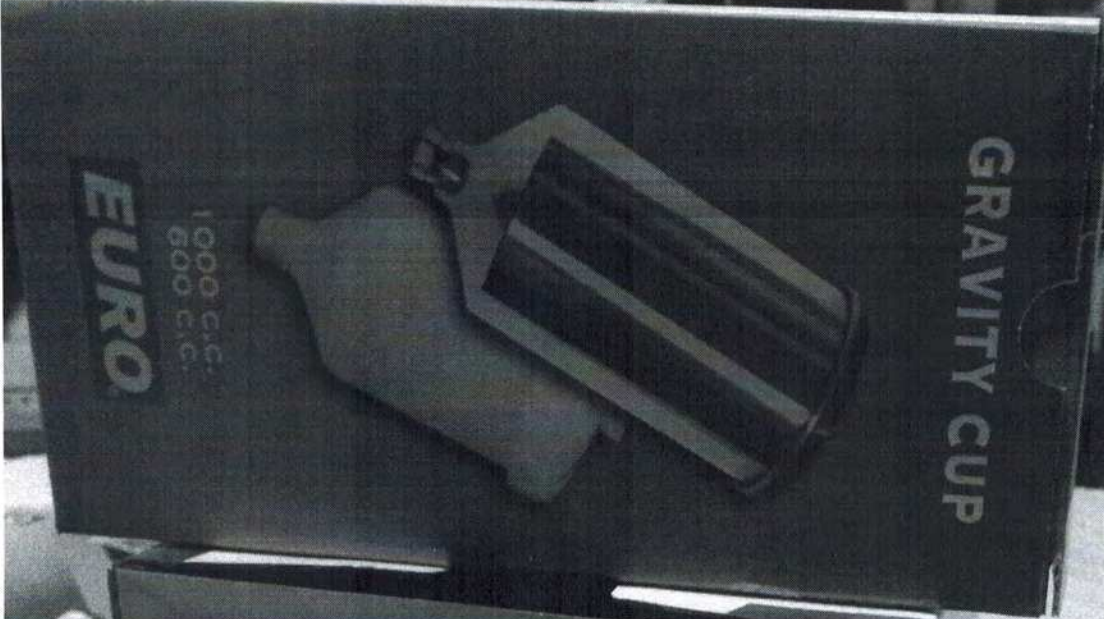
AIR  
NOZZLE

















**EURO**®

EUR-1210 Air  
Hose Set





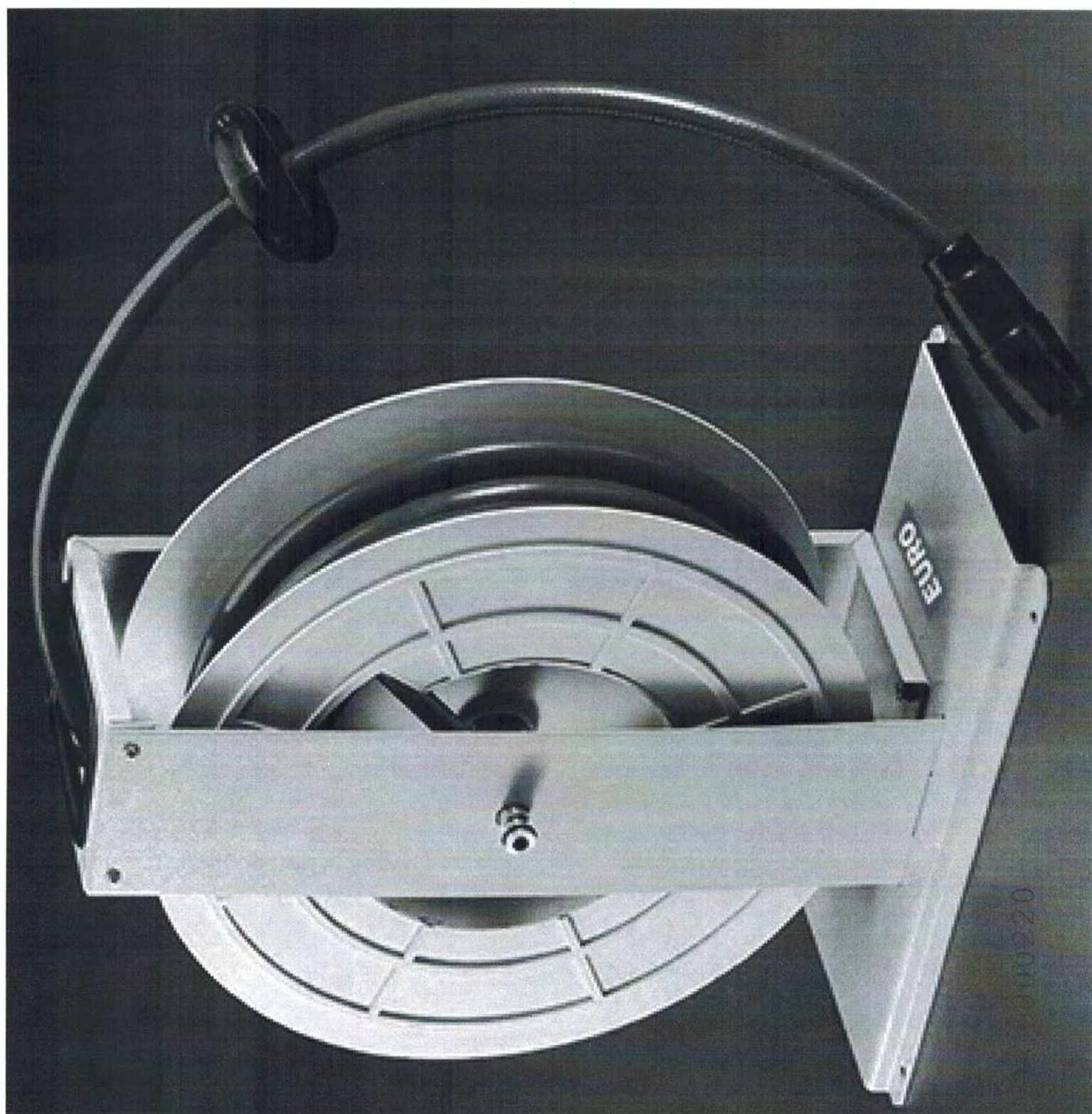


MGD000218



MGD000219









MGD000221



# EXHIBIT E



## 2200 SERIES HVLP Air Spray Gun

Fluid Output : 150 L/Min      Pattern Width : 310mm  
Air consumption : 270 l/min      Air Pressure : 15 – 28 PSI  
Cup Capacity : 1000 c.c.      Air Inlet : 1/4" NPS Fluid Inlet M16x1.5P

Model	Orifice	NOZZLE , NEEDLE KIT
EUR- 2212	1.2mm	EUR-2212N 1.2mm Set
EUR- 2213	1.3mm	EUR-2213N 1.3mm Set
EUR- 2214	1.4mm	EUR-2214N 1.4mm Set
EUR- 2215	1.5mm	EUR-2215N 1.5mm Set
EUR- 2216	1.6mm	EUR-2216N 1.6mm Set
EUR- 2218	1.8mm	EUR-2218N 1.8mm Set
EUR- 2220	2.0mm	EUR-2220N 2.0mm Set
EUR- 2225	2.5mm	EUR-2225N 2.5mm Set

★EUR-2001 REPAIR KIT



## EURO-7000 AQUADRY GUN

Large volume airflow  
Perfect solution to water-based applications  
Shorter drying time  
Fine filter prevents contaminations in the painting  
Air Consumption : 460 L/Min(at 4 BAR - 58 PSI)  
Weight : 440g

### ORDER NO.

EUR- 7000      Aquadry Gun  
EUR- 7001-A      Stand for 2 Aquadry Guns  
EUR- 7001-B      Stand for 3 Aquadry Guns  
EUR- 7002      Stand with 2 EURO Aquadry Guns  
EUR- 7003      Stand with 3 EURO Aquadry Guns



MGD000070



**NEW!**

**EURO®**

**EURO® 3200**



JULY 13-15, 2011  
MEXICO, DF  
Booth #3838



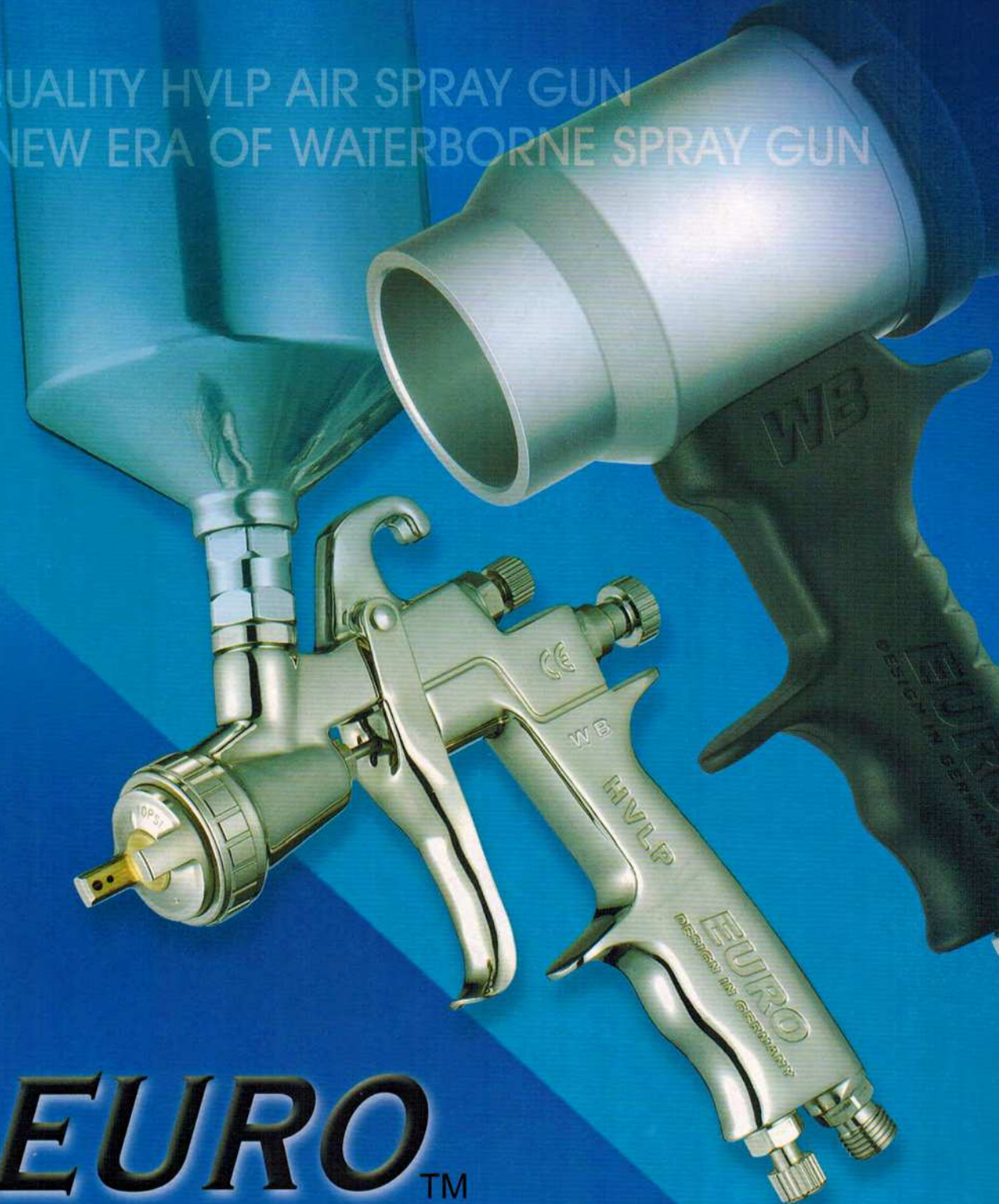
OCTOBER 6-8, 2011  
ORLANDO, FL  
Booth #N918



NOVEMBER 1-4, 2011  
LAS VEGAS, NV  
Booth #10549 North Hall

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MEETS NEW ERA OF WATERBORNE SPRAY GUN  
[www.mgdistributor.com](http://www.mgdistributor.com)

HIGH QUALITY HVLP AIR SPRAY GUN  
MEETS NEW ERA OF WATERBORNE SPRAY GUN



**EURO**<sup>TM</sup>



MGD000072



## Santa Delivers Gifts to Family of 11-Year-Old Leukemia Patient in Refurbished Vehicle

For an 11-year-old boy with leukemia in Redlands, CA, Santa arrived this year not in a sleigh but in a newly refurbished 2009 Honda Civic, fully loaded with gifts and toys from local businesses.



This Christmas gift for Isaiah, his mother, Serina, and 8-year-old sister Angelique, was *Caliber Collision's* 4th Recycled Rides donation this year. The 2009 Honda Civic was donated by the Automobile Club of Southern California and refurbished by Caliber team members who volunteered personal time to repair the vehicle as well as collect gift certificates, toys and other gifts for the family.

Isaiah was diagnosed last year with leukemia and has been undergoing treatment at Loma Linda University Children's Hospital. The family

does not have a car and has had to rely on other patients' families to coordinate and arrange rides for the frequent 100-mile round trip from their home to the hospital.

"Having to deal with a child's life-threatening illness is difficult enough, but having to do so without having reliable transportation is unimaginable to those of us who take transportation for granted," said **David Goldstein**, Caliber Collision Vice President of Operations.

"We are proud to partner with Caliber Collision and Loma Linda University Children's Hospital to ease the burden of transportation for this deserving family," said **Rick Lewis**, unit manager for claims at the Automobile Club of Southern California. "We hope this gift of transportation will give Isaiah and his family a special reason to celebrate and look forward to continued healing in the coming year."

A beaming 11-year-old Isaiah expressed his gratitude of behalf of his family, saying, "This is awesome. We got a brand new car, we really needed it. Thank you everyone, have a very Merry Christmas and just live life to the fullest because life is awesome, so don't take anything for granted."

## Golden State Collision Repair Centers Donate 4 Restored Vehicles to Sacramento Needy Families

*Golden State Collision Repair Centers*, a Bodycraft Company, presented four rehabilitated vehicles to local families in need in Sacramento, CA.

The vehicles were presented during the company's sixth annual "Community Benevolence Event" Dec. 11 at the Golden State Collision Repair Center, in Sacramento, CA.



In an annual holiday-time event, the Golden State Collision Repair Centers' community benevolence events have benefited 25 local families with restored vehicles over the past six years. The 2012 event was held in partnership with Farmers Insurance Group, Allied/Nationwide Insurance, Safeco Insurance, Cottage Housing, Inc., and St. John's Shelter for Women and Children.

"Each year, there are numerous vehicles that are written off by either

the owner or the insurance company. Often, these older vehicles are simply in need of mechanical or body work to get them road-ready and safe to drive. Following the merger between Bodycraft and Golden State Collision Repair Centers, we are pleased to embrace this tradition of giving back to our communities," said **Bruce Mack**, President of Golden State Collision Repair Centers. "We are thrilled to continue the gesture of helping people who have suffered economically and are working toward bettering their lives. Our hope is that this gift will be a door opened to hope and a bright future for the recipients and their families."

Local vendors, including John Sullivan Chevrolet, Auto West Honda, LKQ, Keystone Automotive, Riverside Toyota, AkzoNobel, L. Schwab Tires, O'Reilly's Auto Parts, Placer Insurance Agency, Robert Nielsen Insurance Agency, Bertolini Insurance Agency, Enterprise Holdings, Inc., Farmers Insurance Group, Safeco Insurance, Allied/Nationwide Insurance and employees of Golden State Collision Centers, donated their time and services as part of this program.

**NEW!**



**EURO 3200**



**EURO 2200**

HIGH QUALITY HVLP AIR SPRAY GUN  
MEETS NEW ERA OF WATERBORNE SPRAY GUN

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**EURO**®



LAS VEGAS, NV  
OCT. 17-19, 2013



LAS VEGAS, NV  
NOV. 5-8, 2013



MGD000073





SEMA SHOW 2013 LAS VEGAS, NEVADA



SEMA SHOW 2013 LAS VEGAS, NEVADA



SEMA SHOW 2013 LAS VEGAS, NEVADA



SEMA SHOW 2013 LAS VEGAS, NEVADA



SEMA SHOW 2013 LAS VEGAS, NEVADA



SEMA SHOW 2013 LAS VEGAS, NEVADA





NACE SHOW 2013 LAS VEGAS, NEVADA



NACE SHOW 2013 LAS VEGAS, NEVADA



NACE SHOW 2013 LAS VEGAS, NEVADA



NACE SHOW 2013 LAS VEGAS, NEVADA





PACE Show 2012 Mexico City, Mexico



PACE Show 2012 Mexico City, Mexico



PACE Show 2012 Mexico City, Mexico



PACE Show 2012 Mexico City, Mexico



PACE Show 2012 Mexico City, Mexico



PACE Show 2012 Mexico City, Mexico





SEMA Show 2012 Las Vegas, Nevada



SEMA Show 2012 Las Vegas, Nevada



SEMA Show 2012 Las Vegas, Nevada



SEMA Show 2012 Las Vegas, Nevada



SEMA Show 2012 Las Vegas, Nevada



SEMA Show 2012 Las Vegas, Nevada





NACE Show 2012 New Orleans, Louisiana



NACE Show 2012 New Orleans, Louisiana



NACE Show 2012 New Orleans, Louisiana

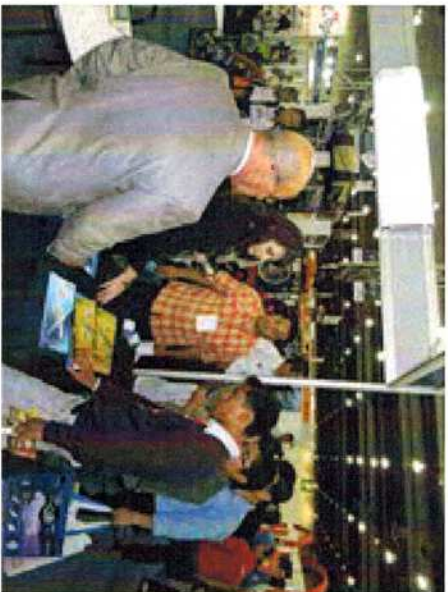


NACE Show 2012 New Orleans, Louisiana



NACE Show 2012 New Orleans, Louisiana





PACE Show 2011 Mexico City, Mexico



PACE Show 2011 Mexico City, Mexico



PACE Show 2011 Mexico City, Mexico



NACE Show 2011 Orlando, Florida



NACE Show 2011 Orlando, Florida



NACE Show 2011 Orlando, Florida



NACE Show 2011 Orlando, Florida



NACE Show 2011 Orlando, Florida



NACE Show 2011 Orlando, Florida





SEMA Show 2011 Las Vegas, Nevada



SEMA Show 2011 Las Vegas, Nevada



SEMA Show 2011 Las Vegas, Nevada



SEMA Show 2011 Las Vegas, Nevada



SEMA Show 2011 Las Vegas, Nevada



SEMA Show 2011 Las Vegas, Nevada

# EXHIBIT F



SATA jet 1000  
1,4

Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	Jet1000 B HVLP
Pist. Nr.:	
Luftd.	1,4
Farbd.	1,4
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	15
Strahlabmess. [cm]	23
Mat. Durchsatz [g/min]	187
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	

Euro 3200  
Agl. 15 cm  
SD. 2,0 bar  
Abs. 15 cm  
SD 24,5 cm

Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	Euro3200 HVLP
Pist. Nr.:	
Luftd.	1,3
Farbd.	1,3
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	15
Strahlabmess. [cm]	24,5
Mat. Durchsatz [g/min]	116
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	



Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	Jet1000 B RP
Pist. Nr.:	
Luftd.	1,3
Farbd.	1,3
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	19
Strahlabmess. [cm]	23
Mat. Durchsatz [g/min]	182
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	

P

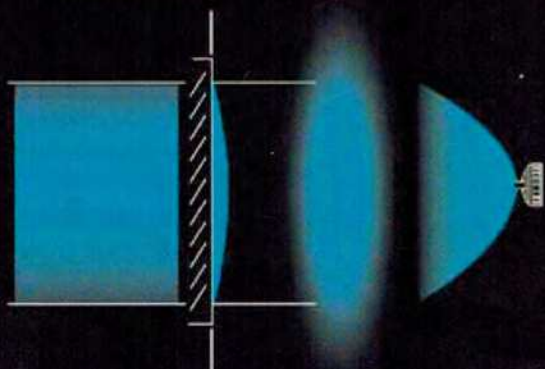
Euro 3200 MRP 1.3  
DS 171 g/min  
SD 2,0 bar  
Abs . 19 cm  
SB 25 cm

Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	
Pist. Nr.:	
Luftd.	1,3
Farbd.	1,3
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	19
Strahlabmess. [cm]	25
Mat. Durchsatz [g/min]	171
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	

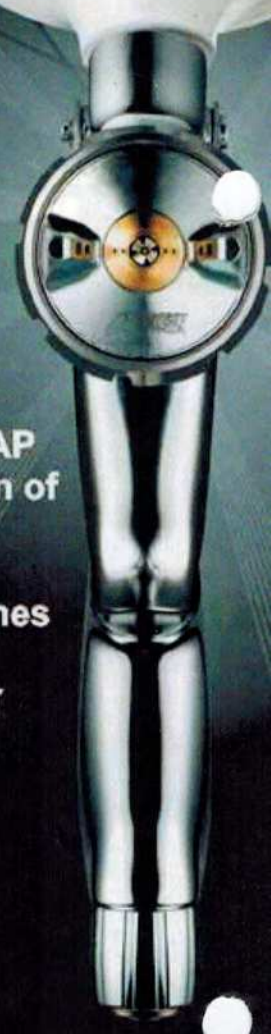
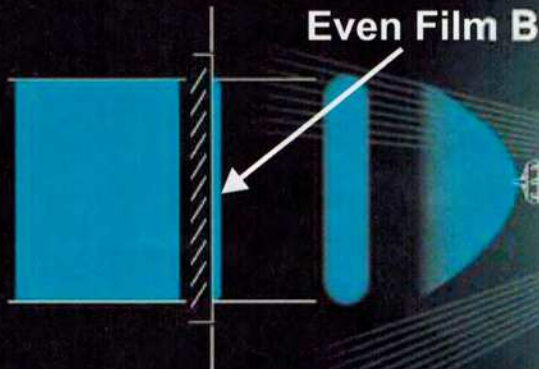


# EXHIBIT G

## COMPETITION



## WS400 HD



Our latest version of the Supernova the WS400 complies with EPA NESHAP 40 CFR, Part 63 Subpart HHHHHH. The WS400 is the compliant EVO-lution of the Supernova series guns.

The new WS400 with our patented "LV Technology" nozzle design combines a higher fluid delivery that facilitates a faster smoother application. The result of the WS400 is a higher transfer efficiency rate resulting in greater material savings.

Superior Atomization + Higher Transfer Efficiency = Compliance for the professional.

A higher level of finishing... and savings!

### Available Cups with Kits



PCG600P-2  
600ml #6039



PCG7D-2  
700ml #6032D



PCG10D-2  
1000ml #6038D

### Optional Cups



PCG4D-2  
400ml #6031D



PCG2D-2  
150ml #6030D



PCG1D-1  
#6050  
3oz Alum.  
EPA Comp.  
Adapter #6051

Model	Gun Only	PCG600P-2 600ml Plastic #6039	PCG7D-2 700ml Alum #6032D	PCG10D-2 1000ml Alum #6038D	Air Cap #	Nozzle mm (inch)	Atomizing PSI	CFM	Fluid ml/min	Pattern mm (inch)	Weight g (lbs)
WS400-1201 HD	5900	5901	5902	5903	WS-400-01	1.2 (0.047)	29	12.57	200	365 (14.38)	423 (0.93)
WS400-OBS	5920	5921	5922	5923		1.3 (0.051)	29	12.57	160	365 (14.38)	423 (0.93)
WS400-1301 HD	5905	5906	5907	5908		1.3 (0.051)	29	12.57	220	365 (14.38)	423 (0.93)
WS400-1401 HD	5910	5911	5912	5913		1.4 (0.055)	29	12.57	240	370 (14.57)	423 (0.93)
WS400-1501 HD	5915	5916	5917	5918		1.5 (0.059)	29	12.57	260	370 (14.57)	423 (0.93)
All Supernova Guns    Air Inlet 1/4"    Fluid Inlet 1/4" Female											



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**ANEST IWATA USA, Inc.**

5325 Muhlhauser Road

Hamilton, Ohio 45011

[www.anestiwata.com](http://www.anestiwata.com)





# EXHIBIT H

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

SATA GmbH & Co. KG	)	
	)	
Opposer	)	Mark: EURO & Design
v.	)	
Mike Ghorbani	)	Serial No.: 85/712789
	)	
Applicant	)	Opposition No. 91/210813
	)	

**OPPOSER SATA GMBH & CO. KG'S RESPONSES AND  
OBJECTIONS TO APPLICANT'S REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS AND THINGS**

Opposer SATA GmbH & Co. KG responds and objects to Applicant Mike Ghorbani's Requests for the Production of Documents and Things as follows:

**GENERAL OBJECTIONS**

**GENERAL OBJECTION NO. 1:**

Opposer objects to the Requests, to each and every individual request contained therein, and to the "Definitions" contained in the Requests, to the extent they are inconsistent with or seek to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

**GENERAL OBJECTION NO. 2:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they seek the production of documents or information that: (1) are protected by the attorney-client privilege; (2) constitute work product of Opposer's attorneys;



and/or (3) are otherwise privileged. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity recognized by statute or case law.

**GENERAL OBJECTION NO. 3:**

The subject matter of these requests is under continuing investigation. Accordingly, these responses are limited to and are applicable only to documents and other information which Opposer's counsel has been able to ascertain and locate as of the date hereof. Opposer expressly reserves the right to use, rely upon, and offer into evidence any and all documents and other information responsive to these requests, whether or not presently identified or produced, if the documents or other information responsive to these requests have not been obtained by counsel and deemed responsive by counsel as of the date of this response, or if the responsiveness of the documents or other information has been overlooked in good faith, or if an objection is interposed to producing a document or other information.

**GENERAL OBJECTION NO. 4:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they require Opposer to search for and reveal privileged information from its and its attorneys' files pertaining to this matter.

**GENERAL OBJECTION NO. 5:**

To the extent that the Requests seek confidential or proprietary information pertaining to Opposer's business, trade secrets and/or economic relationships, Opposer will only produce such information subject to the terms of the Protective Order approved by the Trademark Trial and Appeal Board.

**GENERAL OBJECTION NO. 6:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they call for the production of documents or things which are confidential or proprietary to, or contain the trade secrets of, a third party. Each such request is overly broad, unduly burdensome, oppressive, and seeks to impose obligations beyond those permitted by the TBMP and the Federal Rules of Civil Procedure.

**GENERAL OBJECTION NO. 7:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent that they call for the production of “all documents” where compliance with such request would be unduly burdensome. In the event a request seeking “all documents” is unduly burdensome, Opposer will produce documents sufficient to respond to Applicant’s request pursuant to TBMP § 419.

**GENERAL OBJECTION NO. 8:**

Opposer objects to the “Definitions” contained in the Requests insofar as they contain instructions rather than definitions for terms and are thus ambiguous.

Opposer expressly incorporates the above General Objections as though set forth fully in response to each of the following individual requests, and, to the extent they are not raised in any particular response, Opposer does not waive those objections. A response to a request shall not be deemed a waiver of any applicable specific or general objection to a request. Likewise, a response to a request shall not be deemed an admission of any assertions contained in that request.



## **RESPONSES**

### **REQUEST NO. 1:**

All documents relating to Mike Ghorbani, M.G. Distributor Inc., and the use of the EURO mark.

#### **Response:**

Opposer objects to this request to the extent that it seeks the production of attorney-client privilege and/or work product protected documents. See responsive documents produced herewith bearing production nos. S 0001 – S 0017.

### **REQUEST NO. 2:**

All documents relating to every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

#### **Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents....” See General Objection 7. Notwithstanding these objections, Applicant’s attention is directed to responsive documents produced herewith bearing production nos. S 0018 – S 0477.

### **REQUEST NO. 3:**

All documents relating to the channels of trade for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., in the United States.

#### **Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to every product....” See General Objection 7. Notwithstanding these objections, Applicant’s attention is directed to those documents produced herewith bearing production nos. S 0478 – S 0479.

### **REQUEST NO. 4:**

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents” and “all advertisements....” See General Objection 7. In addition, this request is objected to in that it is not written in a manner in which it can be understood. Finally, Opposer objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

**REQUEST NO. 5:**

All documents relating to your competitors and their competing products for any products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents....” See General Objection 7. Opposer also objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

**REQUEST NO. 6:**

All documents relating to any studies, tests, ratings, or surveys related to the quality of the products offered or sold under the mark EURO.

**Response:**

Relevant documentation is produced herewith bearing production Nos. S 0480 - S 0481.

**REQUEST NO. 7:**

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of SATA for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to any studies, tests, ratings, or surveys ....” See General Objection 7. See the websites [www.refinishnetwork.com](http://www.refinishnetwork.com) and [www.powertool-box.com](http://www.powertool-box.com) as well as those documents produced herewith bearing production Nos. S 0482 – S 0485.



**REQUEST NO. 8:**

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

**Response:**

No such documents are believed to exist.

**REQUEST NO. 9:**

All documents relating to each incident, known to you, of actual confusion between your products, and products sold under the name EURO.

**Response:**

Opposer has no knowledge of the extent, if any, to which documentation exists relating to such instances.

**REQUEST NO. 10:**

All documents relating to your market share in the United States for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Response:**

Opposer objects to this request as being irrelevant to any issue involved in this Opposition and not reasonably likely to lead to the discovery of any information relevant to this proceeding.

**REQUEST NO. 11:**

All documents relating to market share of any competitors for HVLP (High volume Low Pressure) spray guns in the United States.

**Response:**

Opposer objects to this request as being irrelevant to any issue involved in this Opposition and not reasonably likely to lead to the discovery of any information relevant to this proceeding.

**REQUEST NO. 12:**

All documents relating to your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Notwithstanding this objection, see documents produced herewith bearing production nos. S 0480 – S 0481.

**REQUEST NO. 13:**

All documents relating to your contention in the Complaint (Notice of Opposition) that your products are manufactured in Germany.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Representative documentation is produced herewith bearing production nos. S 0486 – S 0490.

**REQUEST NO. 14:**

All documents relating to your contention in the Complaint that your products have superior performance.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Relevant documents include those produced herewith bearing production nos. S 0491 – S 0529 and S 0480 - S 0481 produced in response to Request No. 6.

**REQUEST NO. 15:**

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

**Response:**

Opposer objects to this request as not capable of being understood, requesting as it does documents relating to one or more countries and referring as it does to parts identified by a third party. Notwithstanding this objection, Opposer notes that all of its goods are manufactured at its manufacturing facility in Germany and all components are manufactured in Germany or in other European countries.



**REQUEST NO. 16:**

All documents relating to each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe.

**Response:**

See Opposer's response to Request No. 9 which is incorporated herein by reference.

**REQUEST NO. 17:**

All documents relating to any studies, tests, ratings or surveys related to consumer recognition of HVLP spray guns originating from Europe.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to any studies, tests, ratings or surveys...." See General Objection 7. In addition to documents produced in response to other requests such as Request No. 14, see S 0485. Additional merely representative samples include those documents produced herewith bearing production nos. S 0530 – S 0538.

**REQUEST NO.18:**

All documents relating to any studies, tests, or surveys related to the United States market share, performance, and quality of products sold by Anest Iwata USA, Inc. in the United States.

**Response:**

Opposer objects to this request demanding as it does documents relating to a third party uninvolved in this proceeding. Notwithstanding this objection no such documents are believed to exist.

**REQUEST NO. 19:**

All documents relating to identity of the country of final assembly for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to the country of final assembly...." See General Objection 7. Notwithstanding this objection, see those documents produced herewith bearing production nos. S 0486 – S 0499.

**REQUEST NO. 20:**

All documents relating to total sales, price, and market share in the United States of HVLP spray guns and any other goods listed for Serial No.: 85/712789.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to total sales...." See General Objection 7. Opposer further objects to this request in that the request calls for documents having neither relevance to the issues involved in this Opposition nor any likelihood of leading to the discovery of information relevant to this proceeding.

**REQUEST NO. 21:**

All documents including packaging and advertising relating to your products labeled or advertised as "Europe Engineered," "European Engineered," or "made in Europe."

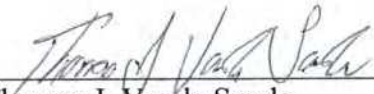
**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents...." See General Objection 7. Notwithstanding this objection, representative documents include those produced herewith bearing production nos. S 0539 - S 0550.

Respectfully submitted,

Date: \_\_\_\_\_

2/6/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

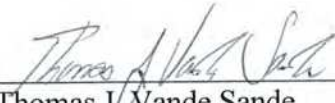


**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S RESPONSES AND OBJECTIONS TO APPLICANT'S REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS" and related documents bearing production numbers S 0001 – S 0550 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esq.  
Adli Law Group P.C.  
633 West Fifth Street, Suite 6900  
Los Angeles, CA 90071

Date: 2/6/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----

SATA GmbH & Co. KG	)	
Opposer	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
Applicant	)	

-----

**APPLICANT’S MIKE GHORBANI FIRST REQUEST FOR THE PRODUCTION OF  
DOCUMENTS AND THINGS**

Applicant Mike Ghorbani requests that Opposer SATA GmbH & Co. KG (“Sata”) produce the following documents and things within thirty (30) days after date of service.

The Definitions and Instructions set forth in Applicant’s First Set of Interrogatories to Applicant are incorporated herein by reference.

**REQUESTS**

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

**REQUEST NO. 1:**

All documents relating to Mike Ghorbani, M.G. Distributors Inc., and the use of the EURO mark.

**REQUEST NO. 2:**



All documents relating to every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 3:

All documents relating to the channels of trade for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., in the United States.

REQUEST NO. 4:

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

REQUEST NO. 5:

All documents relating to your competitors and their competing products for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 6:

All documents relating to any studies, tests, ratings, or surveys related to the quality of the products offered or sold under the mark EURO.

REQUEST NO. 7:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of SATA for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 8:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

REQUEST NO. 9:

All documents relating to each incident, known to you, of actual confusion between your products, and products sold under the name EURO.

REQUEST NO. 10:

All documents relating to your market share in the United States for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 11:

All documents relating to market share of any competitors for HVLP(High volume Low Pressure) spray guns in the United States.

REQUEST NO. 12:

All documents relating to your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

REQUEST NO. 13:

All documents relating to your contention in the Complaint (Notice of Opposition) that your products are manufactured in Germany.

REQUEST NO. 14:

All documents relating to your contention in the Complaint that your products have superior performance.



REQUEST NO. 15:

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>. L

REQUEST NO. 16:

All documents relating to each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe.

REQUEST NO. 17:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

REQUEST NO. 18:

All documents relating to any studies, tests, or surveys related to the United States market share, performance, and quality of products sold by Anest Iwata USA, Inc. in the United States.

REQUEST NO. 19:

All documents relating to identity of the country of final assembly for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 20:

All documents relating to total sales, price, and market share in the United States of HVLP spray guns and any others goods listed for Serial No.: 85/712789.

REQUEST NO. 21:

All documents including packaging and advertising relating to your products labeled or advertised as “Europe Engineered,” “European Engineered,” or “made in Europe.”

Moradian Law  
Payam Moradian

/Payam Moradian/

Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90077  
p@moradianlaw.com  
917-353-1919



# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been duly served on January 2, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian

# EXHIBIT I



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----  
SATA GmbH & Co. KG

)

Opposer

)

Mark: EURO & Design

v.

)

Serial No.: 85/712789

Mike Ghorbani

)

Opposition No. 91/210813

Applicant

)  
-----

**APPLICANT EXPERT'S (MICHAL DEMARCO) SUPPLEMENTAL RESPONSE TO  
OPPOSER'S EXPERT DISCOVERY INTERROGATORIES**

**INTERROGATORIES**

**INTERROGATORY NO. 1**

What, in the opinion of Applicant's designated expert witness, possible motivation might exist for adoption of the EURO mark, other than to indicate to consumers that there exists a correlation to Europe?

Objections

The Applicant objects to the part of the interrogatory stating "other than to indicate to consumers that there exists a correlation to Europe" to the extent it suggests an answer or assumes that this statement is true.

Response To Interrogatory No. 1

I spoke to Mike Ghorbani and based on my conversations with him, it is my opinion that no particular motivation exists for choosing the name Euro other than for having a simple and easy to pronounce trademark.

## **INTERROGATORY NO. 2**

Is the Applicant's designated expert witness familiar with the use of the designation "U.S." or "U.S.A" used in connection with reference to American goods?

### Response To Interrogatory No. 2

I am familiar with use of made in U.S.A. to designate goods originating from United States of America. I note that U.S.A. is an acronym for United States of America, while Euro is not an acronym. In my opinion the made in U.S.A. label is not relevant to the dispute in this case because Euro is not an acronym.

### Supplemental Response To Interrogatory No. 2

Yes.

## **INTERROGATORY NO. 3**

What, in the opinion of Applicant's designated expert witness, is the overall reputation of Chinese manufactured paint spray guns?

### Objections

This interrogatory is objected to as lacking relevance and being prejudicial. The spray guns sold under the mark Euro are not manufactured in China.

### Response



Based on my conversations with Mike Ghorbani, the spray guns bearing the mark Euro are manufactured in Taiwan, and not China. Unlike China, Taiwan has a reputation for producing high-tech quality products.

#### Objections for Supplemental Response

This interrogatory is objected to as lacking relevance and being prejudicial. The spray guns sold under the mark Euro are not manufactured in China.

#### Supplemental Response To Interrogatory No. 3

Reputation of Chinese manufactured paint spray guns is not on par with those manufactured in US, Japan, Europe, and Taiwan.

### **INTERROGATORY NO.4**

What, in the opinion of Applicant's designated expert witness, steps and/or decisions might an ordinary, potential, paint spray gun consumer consider before obtaining a sample gun to test as suggested is ordinarily done in Mr. Demarco's Export Report?

#### Response

In my opinion, a consumer typically asks for a sample when the consumer seeks to purchase a new version of a spray gun with which the consumer has had no prior experience.

#### Supplemental Response To Interrogatory No. 4

Before obtaining a sample of a gun, the consumer first chooses one or more guns that he or she desires based on various criteria, including price and technical specifications. One technical specification is the atomization of the paint gun. Some consumers also may not be able to support high inlet pressures and focus on guns with particular inlet pressures that they can support.

### **INTERROGATORY NO.5**

Is it the expert's contention that, in four years of selling EURO paint spray guns, there has not been a single occurrence whereby a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe?

#### Response

Based on my experience, in all years of selling EURO spray paint guns, there has not been a single occurrence where a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe.

### **INTERROGATORY NO. 6**

In the opinion of Applicant's expert A) Which brand of paint spray guns are most commonly copied or knocked off? B) What is the geographic origin of the brand of paint spray guns which are most commonly copied or knocked off?

#### Response

In my opinion, the most popular spray guns are Sata, Anest Iwata and Devilbliss, with the latter two being Japanese and American companies. The Anest Iwata spray guns are made in Japan and their accessories are made in Taiwan. Based on my own sales data, Anest Iwata has had more sales than any other brand.

Based on my conversations with a Devilbliss sales representative, the Devilbliss spray guns are made in United States of America. The bodies were made in the UK until three years ago when the company decided to transfer manufacturing of the spray guns to the United States.

#### Supplemental Response To Interrogatory No. 6

The most commonly copied or knocked off spray guns are Sata, Iwata, and Devilbliss, which are made in Germany, Japan (accessories made in Taiwan), and U.S., respectively.



#### **INTERROGATORY NO.7**

Does the Applicant's designated expert witness recognize SATA as an industry leader in terms of producing guns that have become desirable based upon, their design, performance and craftsmanship?

##### Response

In my opinion, spray guns from Sata, Anest Iwata and Devilbliss have the most sales. Based on my own sales data, Anest Iwata has had more sales than any other brand.

##### Supplemental Response To Interrogatory No. 7

I recognize Sata as “an” industry leader along with Iwata and Devilbliss.

#### **INTERROGATORY NO.8**

In the opinion of Applicant's designated expert witness, would there be a potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency? If so, description in detail the perceived potential advantage.

##### Response

In my opinion, there is no potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency

#### **INTERROGATORY NO.9**

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor which recommends that potential

purchasers of paint spray guns consider SATA as an affordable and quality HVLP spray gun option?

#### Objection

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

#### Response

I cannot opine on the website pronouncement because the Opposer has not identified the website pronouncement it is referring to.

#### Objection for Supplemental Response

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

#### Supplemental Response To Interrogatory No. 9

To the extent that this question refers to document S 0485, I spoke to Mike Ghorbani, and he told me that the web page was put on [www.mgdistributor.com](http://www.mgdistributor.com) without his authorization or knowledge by a website developer.

#### **INTERROGATORY NO. 10**

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor that its guns are "modeled after European spray guns," or that "we have had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."



### Objection

This interrogatory is objected to as being incomplete, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

### Response To Interrogatory No. 10

I cannot opine on the website pronouncement because the Opposer has not identified the website pronouncement it is referring to.

### Objection to Supplemental Response

This interrogatory is objected to as being incomplete, ambiguous, confusing, misleading, vague, unintelligible, and prejudicial, and for forcing the witness to testify and speculate regarding a "website pronouncement" out of context without knowing which "website pronouncement" the Opposer refers to.

### Supplemental Response To Interrogatory No. 10

This particular pronouncement which the Opposer has not identified for me to opine on in its entirety sought to convey what it allegedly states, that "we have had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."

### **INTERROGATORY NO. 11**

In Applicant's designated expert's opinion, how many times in seventeen years of acting as a buyer and seller of HVLP paint spray guns has the expert seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns? Identify all related documents.

Response To Interrogatory No. 11

I have not seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns or European manufactured guns. I have only seen advertisement in relation to a country, and not a region.

As to Answers:

Date: 6-2-14

  
Michael DeMarco

As to objections:

Date: 6/10/14

  
Payam Moradian  
Attorney for Mike Ghorbani  
10880 Wilshire Blvd,  
Suite 1101  
Los Angeles, CA 90024  
p@moradianlaw.com  
917-353-1919



### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been on June 10, 2014 duly served by E-mail to the following email address: tv@hvslc.com and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854.

By: /Payam Moradian/  
Payam Moradian

# EXHIBIT J





Payam Moradian <p@moradianlaw.com>

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## Samples of products

6 messages

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Payam Moradian <p@moradianlaw.com>  
To: Thomas Vande Sande <tv@hvsllc.com>

Fri, May 16, 2014 at 10:35 AM

Mr. Vande Sande,

If you like actual samples of products, it will cost Sata about \$500 with shipping. Please let me know if Sata is willing to pay \$500 for the samples.

Thank you

--

Payam Moradian, Patent Attorney  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90024  
[p@moradianlaw.com](mailto:p@moradianlaw.com)  
917-353-1919  
[www.moradianlaw.com](http://www.moradianlaw.com)

Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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This message, including any attachments, may contain confidential, attorney-client privileged, attorney work product, or business confidential information, and is only for the use of the intended recipient(s). Any review, use or distribution by others is prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

---

Payam Moradian <p@moradianlaw.com>  
To: Thomas Vande Sande <tv@hvsllc.com>

Sun, May 18, 2014 at 10:51 PM

Mr. Vande Sande,

We are planning to supplement some of the ROG responses and produce additional documents. To avoid another round of responses, we would like clarification on the following points:

1. For expert ROG 9, we understand that you are referring to document S 0485 and our expert will answer the ROG accordingly.,
2. For expert ROG 10, please identify the Bates number of the document that this ROG refers to.
3. For ROG 25, you refer to Ghorbani document 000007. The document we produced as MGD 000007 does not match the description of the document you are inquiring about. Please clarify what document you are referring to by Ghorbani 000007. We understand that you are referring to S 0485.
4. We will be producing documents that are highly confidential. You have taken the position previously that the standard protective order applied to this proceeding. Please confirm that you will not share the content of documents that we will designate confidential with your client.

Thank you

[Quoted text hidden]

---

Payam Moradian <p@moradianlaw.com>  
To: Thomas Vande Sande <tv@hvsllc.com>

Tue, May 20, 2014 at 9:02 AM

Mr. Vande Sande,

When you have a chance, please get back to me regarding the above four points so we can supplement our discovery responses.

Thank you

[Quoted text hidden]

---

Thomas Vande Sande <tv@hvsllc.com>  
To: Payam Moradian <p@moradianlaw.com>

Wed, May 21, 2014 at 12:44 PM

Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Mr. Moradian,

We have been out of town for the last several days and have just returned. I will look to address the substance of your correspondence, hopefully tomorrow, but if not for sure on Friday.

Thank you.

From: Payam Moradian [mailto:p@moradianlaw.com]  
Sent: Tuesday, May 20, 2014 12:02 PM  
To: Thomas Vande Sande  
Subject: Re: Samples of products

[Quoted text hidden]

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Payam Moradian <p@moradianlaw.com>  
Draft To: Thomas Vande Sande <tv@hvsllc.com>  
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Wed, May 21, 2014 at 1:02 PM

[Quoted text hidden]

---

Thomas Vande Sande <tv@hvsllc.com>  
To: Payam Moradian <p@moradianlaw.com>  
Cc: Lucas Vande Sande <ltvs2709@gmail.com>, Denise Nappi <dnappi@hvsllc.com>

Tue, May 27, 2014 at 11:07 AM

Mr. Moradin,



Addressing your inquiries as presented:

1. We look forward to receiving the promised supplementation as soon as possible. While our inquiry includes within its scope the language of S0485, it is not limited to that document. Thus, we are also directing our inquiry to the expert in terms of seeking his opinion as to why such a statement would be made by a paint spray gun vendor.
2. We have made no reference to any particular document. We are seeking to elicit the alleged expert's opinion, as we are entitled to do. If the expert has no opinion, he can so state. If, in the alternative, he has an opinion, the related interrogatory answer should set forth the opinion as requested.
3. Your understanding is correct.
4. We so confirm.

Tom Vande Sande

From: Payam Moradian [mailto:[p@moradianlaw.com](mailto:p@moradianlaw.com)]  
Sent: Monday, May 19, 2014 1:51 AM  
To: Thomas Vande Sande  
Subject: Re: Samples of products

Mr. Vande Sande,

[Quoted text hidden]

[Quoted text hidden]

# EXHIBIT K



What, in the opinion of Applicant's designated expert witness, possible motivation might exist for adoption of the EURO mark, other than to indicate to consumers that there exists a correlation to Europe?

INTERROGATORY NO. 2

Is the Applicant's designated expert witness familiar with the use of the designation "U.S." or "U.S.A" used in connection with reference to American goods?

INTERROGATORY NO. 3

What, in the opinion of Applicant's designated expert witness, is the overall reputation of Chinese manufactured paint spray guns?

INTERROGATORY NO. 4

What, in the opinion of Applicant's designated expert witness, steps and/or decisions might an ordinary, potential, paint spray gun consumer consider before obtaining a sample gun to test as suggested is ordinarily done in Mr. Demarco's Export Report?

INTERROGATORY NO. 5

Is it the expert's contention that, in four years of selling EURO paint spray guns, there has not been a single occurrence whereby a buyer stated a belief that the paint spray guns sold under the EURO mark originated in Europe?

INTERROGATORY NO. 6

In the opinion of Applicant's expert A) Which brand of paint spray guns are most commonly copied or knocked off? B) What is the geographic origin of the brand of paint spray guns which are most commonly copied or knocked off?



INTERROGATORY NO. 7

Does the Applicant's designated expert witness recognize SATA as an industry leader in terms of producing guns that have become desirable based upon, their design, performance and craftsmanship?

INTERROGATORY NO. 8

In the opinion of Applicant's designated expert witness, would there be a potential advantage for a manufacturer to have consumers draw a correlation between paint spray guns and a unit of currency? If so, description in detail the perceived potential advantage.

INTERROGATORY NO. 9

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor which recommends that potential purchasers of paint spray guns consider SATA as an affordable and quality HVLP spray gun option?

INTERROGATORY NO. 10

What, in the opinion of Applicant's designated expert witness, would be the motivation of a website pronouncement made by a paint spray gun vendor that its guns are "modeled after European spray guns," or that "we have had many wood and auto workers claim it sprays as good as their \$600.00 European Spray guns."

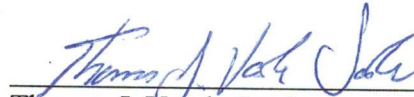
INTERROGATORY NO. 11

In Applicant's designated expert's opinion, how many times in seventeen years of acting as a buyer and seller of HVLP paint spray guns has the expert seen or heard of someone advertising an HVLP gun by claiming it is just as good as Asian manufactured paint spray guns? Identify all related documents.

HALL & VANDE SANDE, LLC

Date:

3/31/14



Thomas J. Vande Sande  
Lucas T. Vande Sande  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500



CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S EXPERT DISCOVERY INTERROGATORIES" was this day served on Applicant by mailing same to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

HALL & VANDE SANDE, LLC

Date:

3/31/14



Thomas J. Vande Sande  
Lucas T. Vande Sande  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500